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THE TRANSFER OF POWER
1942-7

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envisages without building on a foundation ready to hand.
This difficulty we had plenty of experience of
at the R.T.C of 1930.

I assume that the Viceroy's view is that it is
only by working together as a Government
jointly engaged in responsible tasks that
political leaders of Hindu & Muslim India
can by-pass the communal question. But
there is no evidence that in practice they
would succeed in doing so.

PJP 2.XI

This is the gamble which Ld. W. advocates.
His hope is that if it did not come off "we should
be no worse off than now", & should be credited with
having given positive proof of our sincerity. [illegible] 2.XI

Facsimile of India Office Minutes by Mr P. J. Patrick and Sir David Monteath.
See Document 81

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CONSTITUTIONAL RELATIONS BETWEEN BRITAIN AND INDIA

THE TRANSFER OF POWER

1942–7

Volume V The Simla Conference

Background and Proceedings

1 September 1944–28 July 1945

Editor-in-Chief

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LONDON

HER MAJESTY'S STATIONERY OFFICE

1974

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Facsimile of India Office Minutes by Mr P. J. Patrick and Sir David Monteath. See Document 81

Between pages 736 *and* 737

The India Office Quadrangle (*India Office Library*)

The Viceroy's House, New Delhi, from the East Front (*Country Life*)

Members of the India Committee of the War Cabinet. Mr C. R. Attlee, Lord Simon and Sir John Anderson (*Bassano & Vandyk*), Mr L. S. Amery (*India Office Library*), Sir James Grigg and Sir Stafford Cripps (*Pictorial Press*), Mr R. A. Butler (*Keystone Press*)

Gandhi leaving Viceregal Lodge, Simla, after his interview with the Viceroy on 24 June 1945. See Document 536 (*Publications Division, Ministry of Information and Broadcasting, Government of India*)

At the opening of the Simla Conference. Leaders waiting in the grounds of Viceregal Lodge to be introduced to the Viceroy (*Publications Division, Ministry of Information and Broadcasting, Government of India*)

MAP

At end of volume

India 1944–5

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Foreword

On 9 March 1966 the Prime Minister, Mr Harold Wilson, announced in the House of Commons that the closed period for official records was to be reduced from fifty to thirty years. He stated that the Government also proposed that the range of Official Histories, which had hitherto been confined to the two great wars, should be extended to include selected periods or episodes of peacetime history and considered that there was scope for extending to other Oversea Departments the Foreign Office practice of publishing selected documents relating to external relations. The Prime Minister hoped that both of these subsidiary proposals, supplementing the reduction in the closed period to thirty years, would be acceptable in principle to the Opposition parties, who would be associated with their implementation.[1]

On 10 August 1966 the Prime Minister announced that a standing inter-party group of Privy Counsellors was to be appointed to consider all such proposals[2] and on 8 June 1967 that its members were, for the Government and to act as Chairman, the Right Hon. Patrick Gordon Walker, Minister without Portfolio; for the Official Opposition, the Right Hon. Sir Alec Douglas-Home; and for the Liberal Party, Lord Ogmore.[3]

A project to publish documents from the India Office Records had been under discussion for some years and on 30 June 1967 the Prime Minister, in replying to a written question in the House of Commons, announced that the first of the new series of selected documents to be published was to relate to the Transfer of Power in India. His statement was as follows:

> As I informed the House on the 9th of March, 1966, the Government have decided to extend to other Oversea Departments the Foreign Office practice of publishing selected documents concerned with our external relations, subject to inter-party agreement through the Group of Privy Counsellors whose composition I announced on the 8th of June. I am happy to inform the House that the Group have agreed that in view of the great interest now being shown in historical circles in the last days of British rule in India the first selection of documents to be published under the new arrangements should be documents from the India Office records on the Transfer of Power and the events leading up to it.
>
> The scheme will follow closely the lines of the Foreign Office series of *Documents on British Foreign Policy* from 1919 to 1939, and, as in that series, the editors will be independent historians who will be given unrestricted access to the records and freedom to select and edit documents for publication. Professor P. N. S. Mansergh, Smuts Professor of the History of the

[1] *Parl. Debs.*, 5th ser., H. of C., vol. 725, Written Answers to Questions, cols. 561–3.
[2] *Ibid.*, vol. 733, cols. 1706–7. [3] *Ibid.*, vol. 747, col. 1291.

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British Commonwealth at Cambridge, has expressed willingness to accept appointment as Editor-in-Chief, and the scheme will be in full operation by the end of the year.[4]

Mr E. W. R. Lumby was appointed Assistant Editor. He fulfilled the duties of that office with scholarly precision, independence of judgement and the informed interest of one who had served for many years in the India Office, until his death on 23 January 1972, by which time the first three volumes in the Series had been published and the fourth was in an advanced stage of preparation.

Sir Penderel Moon, O.B.E., sometime Fellow of All Souls College, Oxford, was appointed Assistant Editor in September 1972 when Volume IV was about to go to press and the editing of this volume to begin.

Mr C. G. Costley-White, C.M.G., and Mr D. M. Blake, both of whom joined the Historical Section in March 1968, and Dr L. J. Carter, who came in August 1970, have assisted throughout in the assembly, selection and preparation of documents for publication.

The Series will cover the period 1 January 1942 to 15 August 1947. The first volume, carrying the sub-title *The Cripps Mission*, was published in 1970; the second, sub-titled '*Quit India*' and carrying the documentary record forward from 30 April to 21 September 1942, and the third on *Reassertion of authority, Gandhi's fast and the succession to the Viceroyalty* and covering the period 21 September 1942 to 12 June 1943, were both published in 1971. The fourth volume, sub-titled *The Bengal Famine and the New Viceroyalty* and covering the period 15 June 1943 to 31 August 1944, was published in 1973.

The principles of selection, the arrangement of documents—which is in chronological order throughout in so far as that has been ascertainable—together with other details of presentation were explained in the Foreword to the First Volume (pp. vi–x) with some further comments on particular points being added in the Foreword to Volume III (pp. viii–xii). There is no need, therefore, to recapitulate what has been written on these matters here. It may, however, be worth while restating the purpose of the Series. It is to make available to scholars in convenient printed form the more important British historical records relating to the Transfer of Power in India.

N. MANSERGH

Historical Section
India Office Records
September 1973

[4] *Parl. Debs.*, 5th ser., H. of C., vol. 749, Written Answers to Questions, cols. 147–8.

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Introduction to Volume V

In the period, September 1944–July 1945, covered by this volume, a slow thaw came to the Indian political scene. The chief reason, frequently alluded to by Viceroy and Secretary of State in their correspondence, was first the prospect and then, in May 1945, the reality of an early and victorious end to the war in Europe. The assurances of post-war political advance given in the War Cabinet's draft declaration which Sir Stafford Cripps had brought with him to India in March 1942 had not been withdrawn and with the end of the war would have to be acted upon. At the same time, any move by the British Government towards the realisation of the Cripps proposals, whether in their original or in modified form, presupposed first a policy decision and secondly, as a consequence of it, the resumption of an Anglo-Indian dialogue, with the imprisoned Congress Working Committee a necessary party to it.

Against this background the Volume opens appropriately [No. 1] with a record of the discussion on the political situation that took place at the concluding session of the Governors' Conference on 31 August 1944. The Viceroy expressed the view that on the short term 'we were still "sitting pretty"' and all Governors, with the exception of those of Bengal and Bihar, agreed in discounting the prospect of serious trouble before the end of the war. On the long term the Viceroy felt the prospect was 'less comfortable', because once the war with Japan ended—and he assumed, correctly as it proved, that that might be in the second half of 1945—'His Majesty's Government's cheque would be presented and would have to be honoured'. (Did he have in mind the reputed Gandhian allusion to a post-dated cheque on a failing bank? [Cf. Vol. III, p. xii.]) The Viceroy concluded that despite the difficulties a positive move should be made by the British Government to break the constitutional deadlock. All of the Governors concurred. Within the ambit of concurrence there were, however, many shades of opinion about the nature of the move, the Viceroy for his part thinking in terms of calling Indian leaders together with a view to forming a transitional inter-party government at the Centre [see also No. 4], and the Governor of Bengal, Richard Casey, recommending more radically an announcement of intention on the part of the British Government to leave India, a statement of the time-schedule in mind and the convening of a Constitutional Assembly which might provide for a unitary all-India State or for the secession of Pakistan.

The nature and implications of a possible initiative were considered by the Viceroy and his advisers [Nos. 4, 6, 7, 8, 9] in the light of this gubernatorial discussion and with a watchful eye on the progress, or lack of it, in the coincidental Gandhi–Jinnah talks [Nos. 14, 18, 22, 23], the outcome of which was recognized to be of critical significance in terms of a possible Congress–League

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compromise. On 20 September, when the failure of the talks was surmised but not yet made known, Wavell sent to Amery a memorandum [No. 19] analysing the principal factors in the Indian situation, including as not least among them the Government of India's administrative and possibly also military weakness under pressure for demobilisation from home, and concluding that the post-war period would be one of 'great difficulty and even danger' unless real progress on the constitutional side could at least be attempted, and be seen by educated Indians and world opinion to have been attempted, even were no advance to result. In the light of this conclusion the Viceroy recommended progress by stages beginning with informal conversations on his part with Gandhi and Jinnah with the idea that such conversations might open the way to the summoning of a formal conference of the principal Indian political leaders having as its chief purpose the formation of a transitional government which in turn might assume responsibility for the submission of proposals for the constitution of an Assembly, in which the Princes also would be represented, that Assembly being charged with the drafting of a constitution for India and a Treaty with Britain. In his covering letter the Viceroy stated: 'I attach great importance to this matter, and am prepared to visit the U.K. in person to urge my view if necessary.' [See Nos. 26 and 27 for the Viceroy's more detailed views on the composition of the conference and Jenkins' comments on them.]

On 27 September the breakdown of the Gandhi–Jinnah talks introduced new considerations. In commenting on the breakdown the Viceroy reported to the Secretary of State on 2 October [No. 30] that Jinnah, in response to Gandhi's desire for independence first to be followed later, if need be, by Muslim secession, had restated the 'two nations' theory, maintaining that it precluded the possibility of an All-India federation even with minimal powers, predicated sovereign Muslim states based on provincial boundaries and rendered otiose a joint Congress–League demand for the transfer of power to an interim government since Muslims were entitled to separation before independence. 'Jinnah', further observed the Viceroy on 3 October [No. 37], 'wants Pakistan first and independence afterwards, while Gandhi wants independence first with some kind of self-determination for Muslims to be granted by a provisional Government which would be predominantly Hindu.' On the same day, 3 October, the Secretary of State [No. 38] concluded for his part that the breakdown made it 'difficult to foresee any useful outcome of any Indian gathering that you might advise calling together in the near future', adding subsequently by way of footnote 'the Gandhi–Jinnah discussions have, I think, successfully killed all interest in this country' [No. 58].

The Secretary of State had his own views on how best to proceed. They derived from the premise that the main source of India's grievance was not the existing Government of India but remote control from Whitehall and West-

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minster, and this led to the conclusion that instead of making Indian agreement an essential prerequisite to full self-government, full self-government, as the Secretary of State defined it, should be conceded so that, as he put it later, on 19 October [No. 54], he would be able to 'announce the full independence of India under her present constitution, as a preliminary to any constitutional investigation'. Spelled out, this would mean in practice that India should enjoy dominion status but with Government in India continuing in its existing form responsible neither to an elected assembly nor, and here was the essence of the contemplated gesture, to Whitehall. Simultaneously with a declaration of such intent, the Secretary of State contemplated the release of Congress internees and an invitation to them to take part in Coalition governments in the Provinces and at the same time to 'set to work planning the future Constitution of India at leisure while the actual operation of Government within India is being carried on as before' [No. 38].

In spite of intervening telegrams from the Viceroy [Nos. 39–42] arguing that deepening frustration in India because of the failure of the Gandhi–Jinnah talks rendered an initiative on the lines he [the Viceroy] had recommended not less but more desirable, the Secretary of State when he replied on 10 October in two telegrams, one private and one official [Nos. 51 and 52], to the Viceroy's proposals, while continuing to agree in principle that an initiative should be taken, contended that since, in practice, the two main organised Indian parties were incapable of finding a solution, both should be excluded from, or little represented on, the contemplated constitution-making body on which *per contra* the representation of the fighting services should be emphasised. The National Defence Council, he urged, 'would form a very suitable nucleus' for such a constitutional conference, 'not least because it already contains representatives of the Princes'. In his private telegram he also pointed out that the delicate situation in Parliament and in Cabinet made it even more probable that members of the Cabinet, sooner than precipitate the break-up of the Coalition before Germany was defeated, would, whatever their private views, defer once again 'to the Prime Minister's passionate feelings about India' [No. 51]. Amery saw 'very little prospect of the Cabinet agreeing to your going forward with your proposals this side of an election'. In his official telegram [No. 52] the Secretary of State formulated more detailed criticisms of the Viceroy's proposals, questioning whether they would be accepted by the principal parties—'could Jinnah now look at any plan which commits him to an undivided India with no assurance of Pakistan and with Congress inside the Government?'; entertaining misgivings lest a transitional government constituted on the lines indicated by the Viceroy might cause grave difficulties and make the Viceroy's position 'impossible'; or indeed whether such a government would be 'inherently capable of survival'. Positively the Secretary of State elaborated the case for continuing government through the Executive

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Council as at present constituted—'after all it is a very representative cross-section of Indian opinion outside the ranks of Congress and the League'—and developed his arguments for thinking of the National Defence Council as the nucleus for a constitution-making body.

On 13 October [No. 56] the Reforms Commissioner, V. P. Menon, noted the agreement of Secretary of State and Viceroy on the desirability of a move and their 'fundamental difference' as to the nature of it. He argued that the Secretary of State's preference for leaving the position unchanged at the Centre could not be reconciled with the British Government's repeated declarations that the Cripps offer still stood and he advised the summoning of a Conference, to meet under the Viceroy's auspices, of a body not exceeding twenty-five, composed of party leaders and interests, to see whether agreement on fundamentals was still possible. If it were, then the drafting of a future constitution could be left to an expert body and the way made clear for the formation of a representative Government at the Centre; if not, the present Executive would remain unchanged.

The base of exchanges of view was broadened with the Viceroy's letter of 24 October [No. 64] to the Prime Minister, written on recognition of the fact that immediate reference of his Memorandum of 20 September [No. 19] to the War Cabinet would be unproductive [No. 60]. The theme of the letter was expressed in the observation: 'if our aim is to retain India as a willing member of the British Commonwealth, we must make some imaginative and constructive move without delay.' The urgency derived fundamentally from certain factors in the situation. The first was that, in the Viceroy's view: 'The present Government of India cannot continue indefinitely, or even for long. Though ultimate responsibility still rests with H.M.G., H.M.G. has no longer the power to take effective action. . . . The British Civil Services, on which the good government of the country has up till now depended, might almost be described as moribund, the senior members are tired and disheartened, and it will be extremely difficult after the war to secure good recruits.' The second and supplementary factor was the approaching end of the Japanese war, some considerable time before which the Viceroy deemed it most desirable to make a move since, with the end of the war, political prisoners would have to be released and they would find a fertile field for agitation in food shortages and unemployment, following the closure of war factories, unless their energies had previously been diverted to trying to solve the constitutional problem. With regard to the nature of the move, the Viceroy continued to place in the forefront 'a provisional political Government, of the type suggested in the Cripps declaration, within the present constitution, coupled with an earnest but not necessarily simultaneous attempt to devise means to reach a constitutional settlement'. That meant an approach to Gandhi and Jinnah and their followers whom 'we have every reason to mistrust' but 'the Congress

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and the League are the dominant parties in Hindu and Muslim India, and will remain so', without prospect of more reasonable people to deal with emerging. But the real essential, in the Viceroy's judgement, was a change of spirit on the part of the British Government which would convince the average educated Indian that it was sincere in its intentions towards India [see also Nos. 68–9]. In a covering letter to the Secretary of State the Viceroy again alluded to the possibility of his flying home for consultations.

Both the Viceroy's substantive proposals as set out in his memorandum of 20 September [No. 19] and recommended to the Prime Minister in the more general terms of his letter of 24 October, summarised above, and his allusions to his own possible return to London for consultations, provided the starting-points on the British side for major politico-constitutional discussions, the documentation of which occupies the greater part of the volume, and culminated in the Simla Conference the proceedings of which constitute its climax. From this, however, it is not to be inferred that the road to Simla was direct or more immediately that the Viceroy's propositions were received, either by the Prime Minister or the War Cabinet, with other than deliberate and critical scrutiny. 'These very large problems', wrote the Prime Minister on 26 November [No. 111] in acknowledgement of the Viceroy's 'most important' letter, 'require to be considered at leisure and best of all in victorious peace'. The Viceroy, who interpreted this as implying postponement of all action for some time [No. 114], was restrained from immediate rejoinder by the advice of the Secretary of State [No. 116].

The correspondence between the Viceroy and the Secretary of State, beginning with the Viceroy's memorandum of 20 September, had been circulated to the War Cabinet by direction of the Prime Minister on 22 November [No. 106] but not discussed when on 1 December [No. 123] the Viceroy suggested he should fly home unless his proposals were receiving attention. Once again the Secretary of State sought to exercise a restraining influence [No. 124] but simultaneously he wrote to Attlee [No. 125] about Wavell's 'very serious apprehension that we may lose a favourable moment for dealing with the Indian situation unless we definitely come to some conclusion quickly as to what line he is to take' and, admitting that 'representations from myself to Winston will have little effect', asked him as 'leader of one half of the Coalition' to intervene in support of the Viceroy. On 4 December [No. 129] the Secretary of State was able to report to the Viceroy that the Prime Minister had referred the Viceroy's proposals to the India Committee of the War Cabinet.

Discussions on the constitutional question in the period September–December 1944 were by no means confined to the Viceroy–Secretary of State–India Committee–Cabinet level. On the official side notable contributions to debate were made in Whitehall by India Office officials [Nos. 62, 65, 81, 121], in New

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Delhi by the Viceroy's advisers [Nos. 9, 12, 27, 55, 56, 59], by Governors in correspondence subsequent to the August 1944 Governors' Meeting [cf. No. 45 from Clow; No. 46 from Dow; No. 48 from Hallett; No. 49 from Twynam; No. 67 from Glancy], and, in response to a request from Amery for assessments by leading Governors of the relative merits of his and the Viceroy's schemes, by Colville (Bombay), Hallett (United Provinces), and Glancy (Punjab) [Nos. 63, 70, 75, and 78]. The Governor of Bengal, R. G. Casey, put forward his views in a letter to the Viceroy dated 6 November [No. 91] to which Wavell replied on 13 November [No. 96]. A Conference of Governors of North Eastern Provinces (Bengal, United Provinces, Bihar, Orissa and Assam) held by Casey on 27–29 November [No. 119] also discussed the constitutional problem, and a further exchange of views between Casey and Wavell took place in letters dated 17 December and 1 January [Nos. 151 and 174].

Outside the official world, but registering an impact upon 'the official mind' were initiatives taken in India itself, the Gandhi–Jinnah talks being followed by a meeting of the Standing Committee of the Non-Party Leaders Conference under the Chairmanship of Sir Tej Bahadur Sapru on 19 November [No. 103] through which Gandhi, in the Viceroy's opinion, had regained the initiative. That apart, the Viceroy discounted the probable importance of the Conciliation Committee set up by the Conference to examine the communal question, but used it as another argument for an early British initiative [Nos. 113, 133, 135, 148].

On 6 December [No. 137] the Viceroy's proposals were considered by the India Committee where it was noted in particular that they contemplated the formation through the good offices of Gandhi and Jinnah of a political Government which would in due course consider the composition of a constitution-making body without prior agreement among Indian political leaders, such as had hitherto been required, on any constitutional scheme. 'H.M. Government', it was said and recorded in the Minutes, 'had never contemplated dispensing with the Viceroy's present Council and replacing it by representatives of political parties unless there was reasonable assurance that a measure of goodwill essential to the smooth working of the new constitution was forthcoming . . . The scheme as it stood was abject surrender' and 'the general sense of the Committee was that the objections to the Viceroy's proposals as they stood were decisive'. The Committee, however, on the assumption that the proposals would also prove unacceptable to the War Cabinet, agreed with the view put forward by Amery and Sir Stafford Cripps that before they were rejected the Viceroy should be given the opportunity 'of arguing the case for them in person'. [See also No. 147 for the Report by the Committee as submitted to the War Cabinet.] On 18 December [No. 152] the War Cabinet approved the India Committee's Report which had suggested that the best time for the

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Viceroy's visit would be 'when the outcome of Sir T. B. Sapru's discussions is known'. The Viceroy's reaction was that 'it would be grave mistake to postpone consultation in London on account of Sapru's committee' which 'will produce no proposals of value'; and he proposed that he should come home about 25 January [No. 164]. The Prime Minister minuted on 1 January 1945 [No. 173] that because of the Supreme War Conference early in February it was impossible for Wavell's visit to take place before the end of that month and directed the Secretary of State to bring to the Cabinet 'the question whether he should come home at all at this juncture', adding 'I expect he is going to make trouble and stage a scene for resignation'. On 11 January Wavell was informed that H.M.G. considered late March the best time for his visit [No. 192]. Wavell continued to press for an earlier date [Nos. 257, 262 and 305] but on 13 March Attlee gave various reasons for postponing the visit till early June [No. 311]. This evoked from Wavell on 15 March a very strong protest [No. 317], and on the next day the Government agreed to his coming home immediately [No. 321]. He left New Delhi for London on 21 March.

The War Cabinet, also at its meeting on 18 December [No. 152], had invited the India Committee to proceed with a 'stocktaking' of the Indian position on the basis, which the Committee itself had recommended [No. 147], of re-examination of actual commitments and of the practicability of an approach conceding that an attempt to apply the British constitutional system to the Central Government of India, where entirely different circumstances prevailed, was wrong. On 28 December [No. 167] Attlee invited comments on such possibilities from members of the India Committee. The invitation elicited a full Memorandum [No. 184] from Amery at the heart of which was his reassertion of the desirability of making it clear 'that we intend to concede to India that full and unqualified independence within the Commonwealth which we have declared as our goal, not under some problematical and, it may well be, unworkable constitution or bundle of constitutions, but under the existing constitution as it stands', thus doing in 'a single dramatic step what in the case of the Dominions took place by the evolution of the last thirty years before the Statute of Westminster', and also notes from Simon, Anderson, Cripps and Butler [No. 188] which were referred with the Secretary of State's memorandum for expert examination. [See also Nos. 190, 191 and 193 for further comments by Amery.]

At this point a new element entered into the discussions with proposals outlined on 13 January by Bhulabhai Desai to the Viceroy's Private Secretary and forthwith communicated to London [No. 197] for an interim Government at the Centre on the basis of 40% of seats for League and Congress alike and 20% for other Minorities and made, so Desai claimed, with the support, or at least the acquiescence, of Gandhi and Jinnah. Sir Francis Mudie commented [No. 199]: 'It seems to me that this is exactly what we have been

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working for. The move has come both from the Congress and the League. So there can be no question of H.E.'s receiving a rebuff.' On the other hand the India Committee, which had been asked by Churchill [No. 200] to report 'on this new, sudden departure', entertained doubts regarding both the merits of Desai's proposals and the measure of backing which they in fact enjoyed from Congress and the League [Nos. 201, 204, 210]. Considerable discussion on the proposals and the action to be taken on them ensued between the Committee and the Viceroy [Nos. 202, 208, 211–12, 215, 226, 229, 231, 235–9, 242–3, 248–9, 257]. Jinnah's reaction, when sounded on 24 February on a non-committal basis by the Governor of Bombay on the Viceroy's behalf [Nos. 276 and 283], was to disclaim all sponsorship of, or League association with the scheme; but he expressed willingness to meet Wavell and discuss the matter when he (Jinnah) came to Delhi on 6 March (though not before). No further progress on the Desai proposals was in fact made after Colville's interview with Jinnah, for the latter then fell ill and the Viceroy, finding the prospects of an early meeting with him receding, preferred instead to press his request to come home for consultations with H.M.G. on his own original proposals [Nos. 286–7, 300, 305].

The position on the constitutional question when the Viceroy arrived for his much deferred consultations on 23 March was that his own September proposals had been provisionally rejected by the War Cabinet; that Amery's counter-suggestion of progress through a Viceregal-dominion status administration had found no favour; that it seemed increasingly unlikely that Desai's proposals enjoyed the necessary Indian party backing; and that the India Committee's 'stocktaking' of the Indian position was still in progress (at their last meeting before Wavell's arrival they considered proposals advanced by Sir Zafrullah Khan and a scheme for 'regionalization' [No. 321]) but had reached no conclusions. The Viceroy, moreover, had not been, and was not to be shown the reports of discussions at the India Committee or the War Cabinet—on this Attlee gave a procedural ruling [Nos. 168, 169]—with the overall consequence that the Viceroy's discussions with the India Committee re-examined most of the debatable issues afresh.

This was especially so at the first of such meetings, which took place on 26 March [No. 339] and at which the Viceroy outlined his ideas for a transitional government and sought to meet the criticisms advanced by members of the India Committee. At the heart of them lay the question, posed by Attlee, as to whether or not the Viceroy would feel able to override the party representatives who would then form his Executive Council. 'If they were not overridden when necessity arose, would this not represent a Constitutional advance as a result of which the Viceroy would rapidly move into the position of a Dominion Governor-General? If, on the other hand, they were overridden, might they not walk out?' To this Wavell replied that the real safeguard was the contem-

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plated communal balance on the basis of 40–40 representation of Congress and the League. Unless they were united, they could not outvote the Viceroy. To this point the India Committee returned at the second meeting with the Viceroy on 27 March [No. 345]. In reply to a question whether his proposals were tantamount only to a change designed to get more authoritative personnel on the Executive Council or whether he envisaged 'any movement of Constitutional change' within the framework of the existing Constitution, the Viceroy replied that he envisaged no constitutional change for the present and that if any suggestion was made to him of a gentleman's agreement as regards the exercise of his veto, he would reply that he was not prepared to abrogate his powers. He pointed out that the last thing the Muslims wanted was the removal of the Viceroy's veto and power of control since this would mean the ultimate control of the Hindu majority. The Committee, however, expressed grave fears about the erosion, without explicit statement, of ultimate British control and, in Attlee's words, about a prospect which frankly 'horrified' him, namely, the substitution for it of 'a brown oligarchy subject to no control either from Parliament or electorate'.

In subsequent meetings of the India Committee these broad constitutional implications were considered in greater detail. But new ideas were injected into the thinking by Anderson [Nos. 348 and 358] and Cripps [No. 359]. Anderson advocated amending legislation so as to limit and define the Viceroy's powers and responsibilities on the lines of the Federal part of the 1935 Act, which had never been brought into force. Such amendment, in his view, would have the advantage of making clear to Parliament the extent to which the Viceroy's powers were being diminished. Cripps prepared the draft of a possible 'Declaration to the Indian people' which embodied broadly the Viceroy's own proposals, but contained also the announcement of a new 'Grand Council of India' from which the Viceroy would select the majority of his new Executive Council. These new suggestions were considered by the Committee on 3 April [No. 369] and by the Committee with Wavell on 5 April [No. 375] when it had the benefit of a paper prepared by the India Office [No. 372] examining the legislative and other provisions necessary to give effect to them.

The Viceroy opposed the new proposals. He said the Grand Council would be 'a white elephant or a nuisance', and that the proposed statutory limitation of the Viceroy's powers would cause alarm to the Muslims and excite much needless discussion. He could see no reason for formally giving anything away by Statute. The meeting therefore ended with Attlee reiterating his principal misgiving to Wavell's own scheme, namely, that 'we should find ourselves slipping into a position in which the Viceroy would be bound by convention to carry out the views of Ministers, and that those Ministers would be merely members of a party caucus outside'.

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The discussion continued, without Wavell, on 10 April when Cripps was invited to draw up for the Committee's consideration the draft of a possible statement to be made by H.M.G. [No. 382]. Cripps' draft [No. 386] once again in effect set forth Wavell's own proposals, but emphasised that they involved in practice 'a very great constitutional innovation', since though the Viceroy's powers would remain nominally unchanged, they would necessarily be diminished, if the Members of his Council were to be more representative than in the past of Indian political opinion. In further discussion with Wavell [No. 396] the open avowal of this 'constitutional innovation' remained the most contentious issue [Nos. 395–6, 401]; but the Committee continued to be in favour of it.

A number of amendments were made in Cripps' draft [Nos. 388, 400, 405] and the complex position reached textually was clearly shown in a paper circulated to the India Committee on 25 April [No. 411]. On 27 April, after further deliberation [No. 413], the Committee submitted its Report [No. 423] to which was appended the draft statement, still further amended, to be made, if approved by the War Cabinet, by the Secretary of State to the House of Commons.

The members of the India Committee remained divided on the most important question, namely whether a new step should, or should not, be taken and confined themselves in the report to restating the arguments on each side for further consideration by the War Cabinet. If a new step were to be taken, however, the Committee were agreed that its nature and all its implications should be explicitly stated. This represented a significant departure from the Viceroy's original intentions. In practice it meant open avowal, in a statement to be made before negotiations began, that the scheme in view, if accepted, would 'give increasing authority to the representatives of the Indian political parties sitting in the Viceroy's Council, and that some progressive diminution of the Viceroy's authority might be expected'.

The submission of the Committee's Report was followed by the end of the war in Europe on 9 May and the dissolution of the Coalition on 23 May. The succeeding Conservative 'Caretaker' administration agreed, after several expressions of concern from Wavell and Amery, to proceed with consideration of the Report at two Meetings on 30 May [Nos. 469 and 470]. At the second of these Meetings the Prime Minister—displaying obvious signs of doubt as to the wisdom of any move at all—agreed that the proposals in the Report should not be adopted without hearing the Viceroy's views in Cabinet. Accordingly the Viceroy was invited to attend a meeting of the Cabinet on 31 May [No. 472] at which he submitted his ideas on how best to proceed taking into account the recommendations by the India Committee which he had at last seen. Procedurally, the Viceroy explained, he would first put his proposals as already outlined to the existing Executive Council, he would then

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announce them in a broadcast and thereafter summon a Conference comprising the present Provincial Premiers, those who had last served as Premiers in Provinces administered under Section 93—Bengal, on Casey's recommendation, had been added to their number in late March [Nos. 349, 352 and 357]—the leaders of the Congress and the Muslim League in the Legislative Assembly and the Council of State, leaders of smaller groups and Gandhi, Jinnah, Ambedkar and Master Tara Singh. The main function of the Conference would be to advise the Viceroy on the selection of individuals to form the new Council which, as a result of such co-operation, 'would be a body with some sort of popular support' and its coming into existence would 'be accepted as a substantial step forward by opinion in India and outside'.

The Prime Minister felt that the Viceroy's explanations had gone far to remove the misgivings he had entertained about the proposals as set out in the Report of the India Committee. At his suggestion the India Committee met again that day [No. 474]. It then approved the addition of two paragraphs to the draft statement, worded on the lines of the Viceroy's earlier statement to the Cabinet explaining the procedure that he would follow, and, with a minor amendment, took note with satisfaction of the terms of the Viceroy's proposed broadcast. Finally, still on 31 May [No. 476], the Cabinet gave its seal of approval to the proposals. It accepted the India Committee's additions but deleted from the statement—at the Prime Minister's suggestion and much to the Viceroy's satisfaction—the paragraphs on the actual limitation in the exercise of the Viceroy's powers likely to follow from the appointment of a more representative Executive Council. The Cabinet also agreed a number of other measures which would accompany the issue of the statement. Chief among them were the release of the remaining Congress leaders from detention (subject to the views of the Executive Council) and the appointment of a High Commissioner to India.

On his return to India the Viceroy informed the Executive Council of the constitutional proposals as approved by the Cabinet. Members reacted unfavourably [Nos. 479, 483, 486 and 504]. It was decided none the less to proceed and on 14 June the White Paper with H.M.G.'s constitutional proposals was published [No. 507] and the Viceroy delivered his broadcast [No. 508].

First reactions were not unfavourable [Nos. 509 and 511], the members of the Congress Working Committee still in detention were released on 15 June and after some preliminary correspondence with Gandhi and Jinnah the Conference convened at Simla on 25 June. The Viceroy reported of the opening session that 'on the whole the Conference has got away to a reasonably good start' [No. 537]. The next day, 26 June, there was general agreement that the new Council should work under the existing constitution and that there should be on it an equal number of Muslims and Hindus other than those of the Scheduled Castes [Nos. 540 and 541]. But,

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on 14 July, the Conference broke down following Jinnah's insistence that all Muslim Members of the Council should be members of the League [Nos. 589 and 603]. This was a reflection, so Wavell wrote [No. 618], of the deeper cause of the breakdown which was 'the real distrust of the Muslims, other than Nationalist Muslims, for the Congress and the Hindus. Their fear that Congress, by parading its national character and using Muslim dummies will permeate the entire administration of any united India is real, and cannot be dismissed as an obsession of Jinnah and his immediate entourage.'

The documentary evidence on the exchanges preceding the Simla Conference, as well as the records of its actual proceedings, is listed in the fourth Chapter of the Summary of Documents and by reason of its nature and of the interest of the discussions between the Viceroy and the Indian leaders separately as well as in full Conference require to be studied at first hand. The reader, however, may like to know that the full documentation for the Conference consists of (*a*) a minute of the proceedings of each session prepared by the Reforms Commissioner, (*b*) a parallel but briefer confidential note on each session prepared by the P.S.V. and (*c*) (largely based on (*b*)) the Viceroy's telegraphed account to the Secretary of State reporting on each session. What have been reprinted here are all the telegrams in category (*c*), so as to allow readers to have before them the information that was available to the India Office and the Cabinet in their consideration of policy, together with a minute, within the category referred to in (*a*) above, of the last Meeting of the Conference [No. 603] and an extract from a Confidential Note 2 (see (*b*) above) relating to proceedings of the Conference on 27 June and reproduced as part of Cabinet Paper C.P. (45) 84 dated 18 July [No. 624]. It may also be found helpful to draw attention to the Report [No. 618] which the Viceroy sent to the Secretary of State on 15 July after the Conference had ended in failure.

The Simla Conference marked one milestone on the road to the transfer of power; the result of the British General Election another, the Volume concluding not perhaps inappropriately with a letter from Amery giving his reflections on leaving office [No. 640].

The Volume contains a number of documents grouped together in Chapter 5 of the Summary of Documents on the Indian States where the resignation of the Chancellor, the Pro-Chancellor and the Standing Committee of the Chamber of Princes on 3 December 1944 [Nos. 127, 130–2] and the exchanges which followed with the Crown Representative were of major interest. Though there was concern with continuing and/or prospective shortages of food there was no such overriding preoccupation with it as in the preceding period. The material on it is to be found in Chapter 6 of the Summary of Documents. Chapter 7 of the Summary covers Reconstruction and possible amendment of the Commercial Discrimination clauses of the Government of India Act,

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1935, which indeed received a good deal of Cabinet attention. External Relations, including India's Commonwealth and United Nations links, are dealt with in documents listed in the last Chapter, 8, of the Summary of Documents. On a less weighty matter, though it did not always appear so at the time, readers may like to note how diplomatic representations on the Drew Pearson affair (concerning the leakage of the text of a Government of India External Affairs department telegram in the United States and referred to in the preceding Volume) were brought to an abrupt close by the Prime Minister's telegram, aptly coded Gunfire 154, of 15 September 1944 [No. 16].

By far the greater part of the hitherto unpublished documents included in this volume, as in its predecessors, are drawn from the official archives of the India Office in the custody of the India Office Records, supplemented as seems necessary or desirable by material from the Wavell Papers.

The documents reproduced from the India Office Records are from the following series:

L/E/8	Economic and Overseas Department Files
L/PO	Private Office Papers
L/P&J/5	Governors' Reports
L/P&J/7	Political Department Files
L/P&J/8	Political Department Collections
L/P&S/12	External Department Collections
L/P&S/13	Political 'Internal' Department Collections
L/S&G/7	Services and General Department Collections
L/WS/1	War Staff Files
R/3/2	Bengal Governor's Secretariat Files

Every document in these series is referred to in the text by the appropriate series notation followed by the number assigned to the particular file, collection, or volume in which the document is filed or bound. Thus the notation L/P&J/8/600 refers to the six-hundredth file in the series called Political Department Collections. Each document in a file, collection, or volume is identified by a folio reference.

By courtesy of the Countess Wavell, C.I., Lady Pamela Humphrys, Lady Felicity Longmore and Lady Joan Robertson, the Historical Section of the India Office Records has been allowed to consult the relevant printed volumes of the Wavell Papers. Documents from these volumes, of which the India Office Records have otherwise no copy, have been included, their source being indicated in each instance in the heading. Furthermore, where a copy of a telegram can be found in both the Wavell Papers and the India Office Records, the two texts have been compared and any significant discrepancy between them has been annotated. But it is to be noted that in all such cases, for reasons of

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convenience, it is the copy in the India Office Records, whether it is the sender's or recipient's version, that has been reproduced.[1]

By courtesy of Sir Francis Mudie, K.C.S.I., K.C.I.E., the Historical Section was allowed to consult his private papers, which he had deposited in the India Office Library, and to reproduce material from them.

Some documents, not in any of these archives, have been obtained from elsewhere, notably the Cabinet Office.[2]

The most important categories of telegraphic communications between the Secretary of State and the Viceroy were classified in the following ways. One category of telegrams from the Viceroy to the Secretary of State carried the letter 'S', or 'S.C.' if the Viceroy was at Simla or in Camp, i.e. on tour. Another category consisted of 'U' telegrams, which were reserved for the most secret and personal matters, the letter 'U' indicating the nature of the telegram, irrespective of whether it did, or did not, carry a 'Secret' or 'Private' prefix. 'U' telegrams could be enciphered or deciphered only in the Private Offices of the Secretary of State or the Viceroy. Some 'S' or 'S.C.' telegrams were marked 'Superintendent Series' which indicated to Superintendents of Telegraph branches that especial care should be taken to safeguard their security. Certain changes in the channels of communication between the Viceroy and the Secretary of State, made at the beginning of Lord Wavell's Viceroyalty, may be studied in the Appendix to Volume IV.

It may also be helpful to mention that of the Papers and Minutes of the India Committee of the Cabinet those relating solely to Burma are excluded as treating of matters outside the scope of this Series.

In conclusion the Editors desire to acknowledge once again the friendly assistance and advice they have received from the officials at the India Office Library and Records, among whom they would like to mention the Director, Miss Joan C. Lancaster, F.S.A., F.R.Hist.Soc.; from the Editors of the *Documents on British Foreign Policy*; and from the Historical Adviser to the Secretary of State for Foreign and Commonwealth Affairs, Mr Rohan Butler, C.M.G.

N. MANSERGH
PENDEREL MOON

[1] Cf. Volume I, p. ix, penultimate sentence.
[2] A file (R/30/1/5) containing copies of these documents can be consulted in the India Office Records.

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Abbreviations

A.D.C.	Aide de Camp
A.-I.C.C.	All-India Congress Committee
A.I.R.	All-India Radio
A.M.S.S.O.	Air Ministry Special Signal Office
A.O.C., R.I.A.F.	Air Officer Commanding Royal Indian Air Force
A.R.P.	Air Raid Precautions
B.A.D.	British Admiralty Delegation (Washington)
B.F.M.	British Food Mission
B.O.R.	British Other Ranks
B.S.T.	British Summer Time
C.I.	(Lady of the Imperial Order of the) Crown of India
C.I.D.	Criminal Investigation Department
C.I.E.	Companion of the Indian Empire
C.-in-C.	Commander-in-Chief
C.M.G.	Companion of St. Michael and St. George
C.O.S.	Chiefs of Staff
C.P.	Central Provinces
C.S.I.	Companion of the Star of India
D.C.	Deputy Commissioner
D.I.G.	Deputy Inspector General (of Police)
D.I.R.	Defence of India Rules
D.O.T.	Department of Overseas Trade
D.P.S.V.	Deputy Private Secretary to the Viceroy
E.C.O.	Emergency Commissioned Officer
F.B.I.	Federation of British Industries
F.O.C., R.I.N.	Flag Officer Commanding Royal Indian Navy
G.C.B.	Knight Grand Cross of the Bath
G.G.	Governor General
G.H.Q.	General Headquarters
G.M.I.E.	Grand Master of the Indian Empire
G.M.S.I.	Grand Master of the Star of India
G.O.C.-in-C.	General Officer Commanding-in-Chief
G. of I.	Government of India
H.E.	His Excellency
H.H.	His Highness
H.M.	His Majesty
H.M.G.	His Majesty's Government
I.A.C.	Indian Armoured Corps
I. and B.	Information & Broadcasting (Department)

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I.B.	Intelligence Bureau
I.C.O.	Indian Commissioned Officer
I.C.S.	Indian Civil Service
I.E.M.E.	Indian Electrical & Mechanical Engineers
I.I.L.	Indian Independence League (at Singapore and Bangkok)
I.M.S.	Indian Medical Service
I.N.A.	Indian National Army
I.O.	India Office
I.O.L.	India Office Library
I.O.R.	India Office Records
I.P.	Indian Police
I.S.F.	Indian Special Force (for long-range penetration behind enemy lines)
J.C.P.	Japanese Campaign Pay
J.I.F.	Japanese Inspired Fifth Columnist
K.C.B.	Knight Commander of the Bath
K.C.I.E.	Knight Commander of the Indian Empire
K.C.I.O.	King's Commissioned Indian Officer
K.C.S.I.	Knight Commander of the Star of India
L. of C.	Line of Communication
L.Os	Law Officers
M.C.	Military Cross
M.L.A.	Member of the Legislative Assembly
M.P.	Member of Parliament
M.W.T.	Ministry of War Transport
N.-W.F.P.	North-West Frontier Province
O.B.E.	Officer of Order of the British Empire
O.G.P.U.	*Ob"edinennoe Gosudarstvennoe Politicheskoe Upravlenie* Unified State Political Administration. Commonly referred to as the Soviet Secret Police
O.R.	Other Ranks
P.A.I.C.	Persia and Iraq Command
P.C.	Privy Councillor
P.M.	Prime Minister
P. & O.	Peninsular and Oriental Steam Navigation Company
P.O.Ws. *or* P.W.	Prisoners of War
P.Q.	Parliamentary Question
P.S. *or* P/S	Private Secretary
P.S.V.	Private Secretary to the Viceroy
R.A.F.	Royal Air Force
R.C.	Roman Catholic
R.I.A.F.	Royal Indian Air Force

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R.I.A.S.C.	Royal Indian Army Service Corps
R.I.N.	Royal Indian Navy
R.I.N.R.	Royal Indian Naval Reserve
R.I.N.V.R.	Royal Indian Naval Volunteer Reserve
R.S.P.	? Released Security Prisoner
R.T.C.	Round Table Conference
S.E.A.C.	South-East Asia Command
S/S *or* S of S	Secretary of State
Toc H	Talbot House. (Began at Ypres Salient in 1915 with the Reverend P. T. B. Clayton as its founder Padre. Its purpose, inspired by wartime comradeship, was to teach young men racial reconciliation and unselfish service.)
U.K.	United Kingdom
U.P.	United Provinces
U.S.S.	Under Secretary of State
U.S.S.R.	Union of Soviet Socialist Republics
V.A.D.	Voluntary Aid Detachment
V.C.	Victoria Cross
V.C.O.	Viceroy's Commissioned Officer
W.S.A.	Wartime Shipping Administration (U.S.)
W.V.S.	Women's Voluntary Service
Y.H.	Your Highness

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Principal Holders of Office

UNITED KINGDOM

WAR CABINET

Dissolved 23 May 1945

(Members of the India Committee are italicised)

Prime Minister and First Lord of the Treasury, Minister of Defence	Mr Winston S. Churchill
Deputy Prime Minister and Lord President of the Council	*Mr Clement Attlee*
Secretary of State for Foreign Affairs and Leader of the House of Commons	Mr Anthony Eden
Chancellor of the Exchequer	*Sir John Anderson*
Minister of Labour and National Service	Mr Ernest Bevin
Minister of Production	Mr Oliver Lyttelton
Secretary of State for the Home Department and Minister of Home Security	Mr Herbert Morrison
Minister of Reconstruction	Lord Woolton

Earl of Halifax, British Ambassador to the United States since Jan. 1941, remaining a Member of the War Cabinet.

OTHER MINISTERS OF THE WAR COALITION MENTIONED IN THIS VOLUME

Lord Chancellor	*Viscount Simon*
Secretary of State for Dominion Affairs	Viscount Cranborne
Secretary of State for India and for Burma	*Mr L. S. Amery*
Secretary of State for the Colonies	Colonel Oliver Stanley
First Lord of the Admiralty	Mr A. V. Alexander
Secretary of State for War	*Sir James Grigg*
Secretary of State for Air	Sir Archibald Sinclair
Minister of Aircraft Production	*Sir Stafford Cripps*
Minister of Education	*Mr R. A. Butler*
Minister of War Transport	Lord Leathers
Minister of Food	Colonel J. J. Llewellin
Minister of Information	Mr Brendan Bracken
Paymaster-General	Lord Cherwell

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CABINET

Announced 26 May 1945

(Members of the India Committee are italicised)

Prime Minister and First Lord of the Treasury, Minister of Defence	Mr Winston S. Churchill
Secretary of State for Foreign Affairs and Leader of the House of Commons	Mr Anthony Eden
Chancellor of the Exchequer	*Sir John Anderson*
Lord President of the Council	Lord Woolton
Lord Privy Seal	Lord Beaverbrook
President of the Board of Trade and Minister of Production	Mr Oliver Lyttelton
Minister of Labour and National Service	*Mr R. A. Butler*
Secretary of State for the Home Department	Sir Donald Somervell
Secretary of State for Dominion Affairs	Viscount Cranborne
Secretary of State for India and for Burma	*Mr L. S. Amery*
Secretary of State for the Colonies	*Colonel Oliver Stanley*
First Lord of the Admiralty	Mr Brendan Bracken
Secretary of State for War	*Sir James Grigg*
Secretary of State for Air	Mr Harold Macmillan
Secretary of State for Scotland	Earl of Rosebery
Minister of Agriculture and Fisheries	Mr R. S. Hudson

OTHER MINISTERS OF THE CONSERVATIVE 'CARETAKER' GOVERNMENT MENTIONED IN THIS VOLUME

Lord Chancellor	*Viscount Simon*
Minister of War Transport	Lord Leathers

INDIA OFFICE

Secretary of State	Mr L. S. Amery
Permanent Under-Secretary	Sir David Monteath
Parliamentary Under-Secretary	Earl of Munster
	Earl of Listowel (from 1 November 1944)
	Earl of Scarbrough (from 28 May 1945)

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Deputy Under-Secretary	Sir Cecil Kisch
Assistant Under-Secretaries	Mr P. J. Patrick
	Mr G. H. Baxter
Private Secretary to Secretary of State	Mr F. F. Turnbull

INDIA

Viceroy, Governor-General and Crown Representative	Field Marshal Viscount Wavell (Sir John Colville acted from 21 March–4 June 1945 during Lord Wavell's absence in London)
Private Secretary to the Viceroy	Sir Evan Jenkins
Reforms Commissioner	Mr V. P. Menon

EXECUTIVE COUNCIL

Commander-in-Chief	General Sir Claude Auchinleck
Home	Sir Francis Mudie, I.C.S.
Finance	Sir Jeremy Raisman, I.C.S.
	Sir Archibald Rowlands (from 10 April 1945)
War Transport	Sir Edward Benthall
Posts and Air	Sir Mahomed Usman
Education, Health, and Lands	Sir Jogendra Singh
Commerce, and Industries and Civil Supplies	Sir M. Azizul Haque
Food	Sir J. P. Srivastava
Labour	Dr B. R. Ambedkar
Law	Sir Asoka Kumar Roy
Commonwealth Relations	Dr N. B. Khare
Information and Broadcasting	Sir Sultan Ahmed
Supply	Sir Ramaswami Mudaliar
Defence	Sir Firoz Khan Noon
Planning and Development	Sir Ardeshir Dalal

Sir Ramaswami Mudaliar, Sir Firoz Khan Noon and Sir V. T. Krishnamachari served as India's delegates to the London Commonwealth Meeting, April 1945, and the U.N. San Francisco Conference on International Organisation, April–June 1945.

GOVERNORS OF PROVINCES

Madras	Captain The Hon. Sir Arthur Hope

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Bombay	Sir John Colville. (Sir Henry Knight, I.C.S., acting 21 March–4 June 1945)
Bengal	Rt. Hon. R. G. Casey
United Provinces	Sir Maurice Hallett, I.C.S.
Punjab	Sir Bertrand Glancy, I.C.S.
Central Provinces and Berar	Sir Henry Twynam, I.C.S. (Mr. F. C. Bourne, I.C.S., acting from 12 May 1945)
Assam	Sir Andrew Clow, I.C.S.
Bihar	Sir Thomas Rutherford, I.C.S.
North-West Frontier Province	Sir George Cunningham, I.C.S.
Orissa	Sir Hawthorne Lewis, I.C.S.
Sind	Sir Hugh Dow, I.C.S.

PRIME MINISTERS OF PROVINCES

Bengal	Sir Nazimuddin (until 31 March 1945)
Punjab	Malik Khizar Hyat Khan
Assam	Sir Muhammad Sa'adulla
North-West Frontier Province	Sardar Muhammad Aurangzeb Khan Dr Khan Sahib (from 16 March 1945)
Sind	Sir Ghulam Hussain Hidayatullah

The remaining Provinces (together with Bengal from 31 March 1945) were administered by their Governors under Section 93 of the Government of India Act 1935.

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Delegates to the Simla Conference, June–July 1945[1]

CHAIRMAN

His Excellency Field Marshal the Right Hon'ble Viscount Wavell of Cyrenaica and Winchester, P.C., G.C.B., G.M.S.I., G.M.I.E., C.M.G., M.C., Viceroy and Governor-General of India.

DELEGATES

Azad, Maulana Abul Kalam
Banerjea, Dr P. N.
Desai, Mr Bhulabhai J.
[2]Gandhi, Mr M. K.
Ghulam Hussain Hidyatullah, The Hon'ble Sir, K.C.S.I.
Hossain Imam, The Hon'ble Mr
Jinnah, Mr M. A.
Khan Sahib, The Hon'ble Dr
Kher, Mr B. G.
Khizar Hyat Khan Tiwana, The Hon'ble Nawab Malik, O.B.E.
Liaquat Ali Khan, Nawabzada
Motilal, The Hon'ble Mr Govindlal Shivlal
Nazimuddin, Khwaja Sir, K.C.I.E.
Pant, Pandit Govind Ballabh
Parlakimedi, Maharaja of
Rajagopalachari, Mr C.
Richardson, Sir Henry
Saadulla, The Hon'ble Sir Saiyid Muhammad
Shiva Raj, Rao Bahadur N.
Shukla, Pandit R. S.
Sinha, Mr Sri Krishna
Tara Singh, Master

SECRETARIES

Sir Evan Jenkins, K.C.I.E., C.S.I., Private Secretary to His Excellency the Viceroy and Secretary to the Governor-General (Personal).

Rao Bahadur V. P. Menon, C.I.E., Reforms Commissioner.

[1] This list is reproduced from one given in a print on the Simla Conference prepared by the Viceroy's Private Office. L/P&J/8/524: f 5.

[2] [Note in the original:] Mr Gandhi did not attend the Conference on the grounds that he did not belong to the Congress Party. He remained in Simla during the Conference and was available for consultation.

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Chronological Table of Principal Events

1944

August	
31	Informal discussion of political situation in India on last day of Governors' Conference
September	
5	Churchill leaves for Second Quebec Conference (12–16 September)
9	Gandhi–Jinnah talks open in Bombay
20	Wavell sends Amery his proposal for the formation of a transitional government working within the existing Constitution and representative of the main political parties
25	Churchill returns to U.K.
27	Gandhi–Jinnah talks break down
October	
5–24	Churchill and Eden in Moscow for talks with Stalin
November	
19	Standing Committee of Non-Party Leaders' Conference meeting at New Delhi establishes Conciliation Committee to examine communal and minorities question
December	
3	Chancellor, Pro-Chancellor and Standing Committee of Chamber of Princes resign
14	Wavell addresses Associated Chambers of Commerce, Calcutta
16	Germans counter-attack in Ardennes
18	War Cabinet decides to postpone Wavell's visit and to investigate alternative possible solutions to the Indian problem

1945

January	
13	In interview with P.S.V., Desai outlines plan for formation of interim government at centre based on the proportions 40% Congress, 40% Muslim League, 20% minority groups
17	Russians take Warsaw
29	Churchill leaves for Yalta Conference (5–11 February)
February	
19	Churchill returns to U.K.
March	
7	U.S. 3rd Army crosses Rhine at Remagen
9	Allies enter Mandalay

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March	
16	Congress Ministry formed in North-West Frontier Province
21	Wavell leaves for discussions in London
31	Bengal goes into Section 93
April	
8	Conciliation Committee of Non-Party Leaders' Conference publishes its recommendations
12	Roosevelt dies. Truman becomes U.S. President
25	U.N. San Francisco Conference on International Organisation opens
27	India Committee submits its report on Indian Constitutional position
May	
3	Allies occupy Rangoon
7	Germans sign terms of surrender to take effect on 9 May
23	U.K. War Coalition dissolved
31	Conservative 'Caretaker' Cabinet agrees to proceed with Indian constitutional proposals
June	
4	Wavell returns to India
14	White Paper on H.M.G.'s constitutional proposals published. Commons debate proposals. Wavell announces his intention to convene Leaders' Conference at Simla
15	Detained members of Congress Working Committee released
21–2	Congress Working Committee meets for the first time since 1942 at Bombay
23–4	All-India Committee of Hindu Mahasabha meeting at Poona condemns H.M.G.'s constitutional proposals
25	Simla Conference opens with full representation from political parties
26	U.N. Charter signed at San Francisco
July	
3–15	Congress Working Committee in session at Simla
5	Polling Day in U.K. General Election
7	Churchill leaves U.K. to attend first stage of Potsdam Conference (17–25 July)
9	Jinnah informs Wavell that Muslim League feels unable to send list of nominees for proposed Executive Council
10	Special Committee of Princes meeting at Bombay decides to withdraw resignations from Chamber of Princes

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July

14 Wavell announces failure of Simla Conference

15 All-India Muslim League Working Committee meeting at Simla calls for early general elections both at Centre and in Provinces

28 Overall Labour majority of 159 declared in U.K. General Election

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Summary of Documents

The documents in this as in preceding volumes are arranged chronologically but in order to assist readers who desire to follow the documentary record through on a particular subject, the Summary which follows is divided into Chapters, each with a title indicating its principal contents.

Chapter		*Page*
1	Governors' Conference; Gandhi–Jinnah talks; Wavell's proposals for a new political move and preliminary discussions thereon: 1 September to 20 December 1944	xxxviii
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3	Wavell's visit to London; India Committee's discussion of his proposals; formulation of H.M.G.'s Statement of Policy: 22 March to 31 May 1945	lvii
4	The Simla Conference: 3 June to 28 July 1945	lxvi
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8	External Relations	lxxxvii

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CHAPTER I

Governors' Conference; Gandhi–Jinnah talks; Wavell's proposals for a new political move and preliminary discussions thereon: 1 September to 20 December 1944

	Name and Number	*Date* 1944 (*September*)	*Main subject or subjects*	*Page*
1	Note by Jenkins	1	On informal discussion of political situation and prospects at Governors' Conference	1
4	Note by Wavell	5	On matters to be decided as a result of discussion of political situation at Governors' Conference	8
5	Wavell to Amery Letter, paras. 1–2, 12	5	Refers to Vol. IV, No. 672; discussion of political situation at Governors' Conference; Gandhi–Jinnah meeting; possible extension of Twynam's term as Governor	10
6	Note by Jenkins	6	Refers to No. 4; argues that a Conference of party leaders with a view to forming a transitional govt. would offer better prospects of advance than attempting to elect a Constituent Assembly	14
7	Abell to Mudie Letter 125/35	6	Conveys question from Wavell asking whether Gandhi should be allowed to consult Working Committee should he and Jinnah reach a provisional settlement	16
8	Mudie to Abell Letter	7	Replies to No. 7	17
9	Note by Mudie	9	Refers to No. 4; analyses the politico-constitutional situation and concludes with a recommendation that Wavell should see Gandhi and Jinnah before a conference to discuss formation of interim Government is held	19
11	Wavell to Amery Tel. 201–S.C.	11	Vehemently protests at failure to consult G. of I. on Forces' pay increases	25
12	Note by Wylie	11	Refers to Nos. 4 and 6 and analyses the problems associated with the formation of an interim Government and how they might best be approached	25
13	Casey to Wavell Letter, paras. 7, 9	11	Communal feeling in Dacca; report by Nazimuddin of Bengal Muslim League Executive's views on the boundaries of North-Eastern Pakistan	29
14	Wavell to Amery Letter, paras. 1–2, 15–16	12	Refers to Vol. IV, No. 676; reactions to his reply to Gandhi; Beverley Nichols' book; failure to consult India about increased pay for forces	30
15	Wavell to Amery Tel. 1693–S	15	Intimates that he may have to allow discussion in Council on proposal that H.M.G. should meet part of the cost of increased pay for forces	34

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		(*September*)		
17	Churchill to Attlee and others Tel. Gunfire 246 via Octagon and A.M.S.S.O.	17	Importance of increased pay for forces transcends G. of I.'s objections	35
18	Noon to Wavell Letter	19	Suggests a declaration by H.M.G. that as soon as the war is over they will themselves grant India dominion status	36
19	Wavell to Amery Letter	20	Encloses memorandum giving appreciation of political situation and outlining proposals for major political moves	37
20	Wavell to Amery Letter	20	Encloses copy of letter dated 17 July from Gandhi to Churchill	41
21	Glancy to Wavell Letter 526, para. 7	20	Sikh opposition to Pakistan	43
22	Wavell to Amery Letter, paras. 1–3, 5, 12, 15	20	Gandhi–Jinnah talks; letter from Khizr Hyat Khan to Grigg (Annex to No. 108); request for Rowlands to be chairman of Bengal Administrative Enquiry; successor for Raisman; National Defence Council	44
23	Wavell to Amery Letter, paras. 2, 4, 6, 10, PS.	27–8	Gandhi–Jinnah talks; Press reactions to increased pay for forces; Spens' proposals for two additional Judges on Federal Court and for reform of judicial system; resignation of Khuhro from Sind Ministry	47
24	Amery to Wavell Letter, paras. 1–3, 9	28	His visit to Italy; Gandhi–Jinnah talks	50
25	Amery to Wavell Letter	28	Future policy towards backward tribes	52
26	Note by Wavell	29	Outlines method of summoning Conference of political leaders	56
27	Note by Jenkins	30	Comments on No. 26	58
28	Amery to Wavell Tel. 21887	30	Asks for comments on proposed reply to P.Q. on breakdown of Gandhi–Jinnah talks	61
		(*October*)		
29	Churchill to Wavell Tel. 12–U via India Office	1	Objects strongly to use of word 'bribe' in No. 15	61
30	Wavell to Amery Tel. 1802–S	2	Refers to No. 28, agrees with proposed reply, outlines differences between Gandhi and Jinnah, and reports reactions to breakdown of talks	62
31	Wavell to Amery Tel. 1807–S	3	Effects of breakdown of Gandhi–Jinnah talks on Enclosure to No. 19	63
32	Wavell to Churchill Tel. 12–U via India Office	3	Replies to No. 29	64
33	Note by Hallett	3	Refers to Enclosure to No. 19 and to situation following breakdown of Gandhi–Jinnah talks, and argues in favour of a Conference preceded by meeting between Wavell, Gandhi and Jinnah	64
34	Notes by Jenkins and Wavell	3–4	Jenkins' interview with Shiva Rao	68
35	Hope to Wavell Letter	3	Proposals for the appointment of non-official Advisers in Madras	71

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36	Turnbull to Martin Letter	3	Forwards Enclosure 5 to No. 20	73
37	Wavell to Amery Letter, paras. 1–3, 11	3	Breakdown of Gandhi–Jinnah talks; release of Syed Mahmud from Ahmednagar; Family interviews with detenus; exemption from income tax of entertainment allowances of Governor-General and Governors	74
38	Amery to Wavell Letter, paras. 1, 4–6	3	Refers to Vol. IV, No. 670; succession to Finance Membership; ideas for new method of approach to constitutional problem; Churchill's onslaught (No. 29) about increased pay for forces; Noon's idea of visits to India	79
39	Wavell to Amery Tel. 1819–S	5	Refers to No. 19, avers that breakdown of Gandhi–Jinnah talks makes positive move by H.M.G. even more essential, discusses composition of Conference, and explains main purposes of proposed broadcast	85
40	Wavell to Amery Tel. 1820–S	5	Refers to No. 39 and transmits text of new para. 4a and revised paras. 8, 9 and 12 of Enclosure to No. 19	87
41	Wavell to Amery Tel. 1821–S	5	Refers to No. 39 and transmits outline of broadcast announcement	88
42	Wavell to Amery Tel. 1822–S	5	Refers to Enclosure to No. 19 and to Nos. 39–41 and clarifies views of his advisers	89
43	Wavell to Amery Tel. 1826–S	5	Sultan Ahmed's reaction to Beverley Nichols' book	90
44	Churchill to Wavell Tel. 792 via India Office	5	Thanks for No. 32	90
45	Clow to Wavell Report 134, para. 11	5	Comments on Gandhi–Jinnah talks	91
46	Dow to Wavell Report 314–F.R., para. 1	6	Effect on Hindu opinion of breakdown of Gandhi–Jinnah talks	91
48	Hallett to Wavell Letter U.P. 242, paras. 9, 10 (extract)	9	Danger of growth of communal and anti-Government feeling; consequent importance of Government bringing all parties together; theory that big business pressure was behind Gandhi's move for a compromise	92
49	Twynam to Wavell Letter R. 34–G.C.P. para. 1	9	Danger of increased communal tension; Gandhi's objectives in talks with Jinnah; weakness of Jinnah's case on the question of plebiscite; opinion that Constituent Assembly offers only way towards solution	94
51	Amery to Wavell Tel. 809 (incorporating 14–U)	10	Urges consideration on merits of alternative suggestion in No. 52, and adds that political situation at home is likely to prevent Cabinet agreement to Wavell's proposals	96

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52	Amery to Wavell Tel. 22607	10	Refers to Nos. 39–41 and Enclosure to No. 19, points out difficulties in Wavell's proposals, and offers counter-suggestion	97
53	Wavell to Amery Letter, paras. 1–2, 4–6, 12, 16	10	Refers to Nos. 24 and 25; Munster's visit; political situation; letter from Inayatullah Khan; Akhand Hindustan Conference; press comment on breakdown of Gandhi–Jinnah talks; Syed Mahmud's release; non-official Advisers in Madras; backward tribes; meeting of National Defence Council	100
54	Amery to Wavell Letter, para. 2	12	Constitutional problem	105
55	Note by Mudie	13	Warns of consequences of likely failure of attempt to form coalition Government, and advocates alternative approach on the lines suggested by Amery	107
56	Menon to Jenkins Letter R.–177/14	13	Comments on Enclosure to No. 19 and No. 52, and recommends Conference of party leaders on future constitution before attempting to form transitional Government	111
57	Wavell to Amery Letter, paras. 1–2, 5–6, 10, 18–19	19	Refers to No. 38; succession to Finance Membership; Governors' Conferences; Council meeting on pay increases for forces and pay of I.C.Os.; circulation of private telegrams	113
58	Amery to Wavell Letter, paras. 1–3	19	Constitutional problem; reactions in U.K. to Gandhi–Jinnah talks; and to Beverley Nichols' book; request from Society of Friends for passage to India for Agatha Harrison	118
59	Mudie to Jenkins Letter	20	Amends views expressed in No. 55	120
60	Wavell to Amery Tel. 15–U	22	Refers to No. 51, agrees immediate reference of his plan to Cabinet would almost certainly fail, and says he is writing to Churchill	121
61	Wavell to Amery Tel. 1949–S	22	Refers to No. 52, replies to objections to his plan raised therein, and rejects Amery's alternative	121
62	Minutes by Gibson, Patrick and Monteath	23	Comments on No. 61	124
63	Amery to Wavell Tel. 23891	24	Refers to No. 61 and asks him to consult leading Governors on both plans	125
64	Wavell to Amery Letter	24	Encloses letter to Churchill on Indian problem	126
65	Minutes by Kisch, Monteath and Baxter	24–5	Criticisms of Wavell's constitutional proposals	133
66	Wavell to Amery Letter, para. 1	25	Refers to No. 54; political problem	135

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68	Wavell to Amery Tel. 16–U	26	Refers to No. 60 and announces despatch of Enclosure to No. 64 emphasising that most important point is plea for change of spirit on British side	139
69	Wavell to Amery Tel. 17–U	26	Refers to No. 68 and outlines measures which would help to change atmosphere	140
70	Note by Glancy	26	Agrees that political move should be made, prefers constitutional conference to attempt to form transitional Government, and emphasises intense danger to Punjab of Pakistan theory	141
72	Amery to Wavell Letter, paras. 1–5, 9–13	26	Pay increases for forces; constitutional question; desirability of communicating detailed comments of Governors; Indian soldiers' eligibility for vote; need for new system of electoral representation; India's war memorial	151
73	Minute by Maxwell	27	Comments on No. 61	157
75	Note by Colville	28	Favours a political move on lines proposed by Wavell	158
76	Churchill to Amery Minute M. 1042/4	28	Refers to No. 36; thinks an acknowledgement should be sent to Gandhi's letter (Enclosure 5 to No. 20)	159
77	Wavell to Amery Letter 957	28	Supports proposals contained in No. 35 for appointment of non-official Advisers in Madras	160
78	Wavell to Amery Tel. 2004–S	29	Refers to No. 63 and summarises views of Colville, Hallett, Glancy, Twynam and Casey	161
79	Casey to Wavell Letter, paras. 2–3, 14	30	Bengal Muslim opinion on boundaries of Eastern Pakistan; controversy between Hindu and Muslim newspapers about Pakistan; future of I.C.S. in Bengal	162
80	Amery to Churchill Minute P. 36/44	30	Refers to No. 76 and agrees that acknowledgement should be sent	165
81	Minutes by Gibson, Maxwell, Patrick and Monteath	30 Oct.–2 Nov.	Comments on No. 78 particularly on Glancy's views	166
82	Amery to Wavell Tel. 18–U (incorporating 852)	31	Comments on Nos. 68 and 69	167
83	Amery to Wavell Tel. 861	31	Asks him to make No. 78 official so that it may be shown to Cabinet and Prime Minister	168
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85	Wavell to Amery Tel. 2021–S	1	Refers to No. 83 and agrees to No. 78 being made official; asks advice on stage at which points in No. 69 should be raised	169

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87	Amery to Wavell Letter, paras. 1–3	2	Listowel's appointment as Parliamentary Under-Secretary; Mirza Ismail's suggestion of a conference of party representatives to study constitutional problem; difficulty of forming interim political government	174
88	Hope to Wavell Report 10/1944 (extract)	3	Reactions to breakdown of Gandhi–Jinnah talks	177
89	Colville to Wavell Report 32, para. 2	4	Reactions to Gandhi's threats of a fast; Nehru's bitterness; Congress activities	177
90	Amery to Churchill Minute P. 39/44	6	Refers to Enclosure to No. 64, attaches Enclosure to No. 19 and suggests that matter might be considered by India Committee	178
91	Casey to Wavell Letter	6	Advocates re-publication of draft declaration of 1942, propaganda in the United States, private intimation to Jinnah of H.M.G.'s acceptance of Pakistan, and announcement of rapid time-table for implementation of pledges	179
92	Amery to Wavell Tel. 879	7	Informs him of purport of No. 90 and replies to No. 85	184
93	Wavell to Amery Letter, paras. 1–4, 7, 12, 14	8	Refers to No. 72; pay increases for forces; electoral arrangements and Amery's suggestions for reform; India's war memorial; Low's view that fall of Unionist Ministry in Punjab would make Pakistan inevitable; question of speech-making by Members of Council; Viceroy's visit to Punjab	184
94	Amery to Wavell Letter, paras. 1–3	9	Wavell's letter to Churchill (Enclosure to No. 64); Glancy's suggestion of a constitutional conference	189
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97	Amery to Churchill Minute P. 40/44	14	Informs him of Rowlands' appointment as Finance Member of Government of India	198
99	Wavell to Amery Letter, paras. 1–4	15	Refers to No. 87; political problem; provincial politics	206
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103	Wavell to Amery Tel. 2132–S	21	Reports formation of Sapru Committee to examine communal problem, and discusses timing of H.M.G.'s move	211

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107	Twynam to Wavell Letter R.45–G.C.P., para. 1	23	Renewed Congress activity and question of a move by Government	218
108	War Cabinet Paper W.P. (44) 675	23	Note by Grigg circulating a letter from Khizar Hayat Khan	221
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111	Churchill to Wavell Tel. 932 via India Office	26	Acknowledges Enclosure to No. 64 which he will earnestly consider before replying	235
113	Wavell to Amery Tel. 2177–S	27	Refers to No. 103, reports Sapru's difficulties in forming committee, and cites evidence of conversations with Jinnah, Birla and Mirza Ismail that move by Government is widely expected and hoped for	236
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115	Twynam to Wavell Letter 46–G.C.P.	27	Reports conversation with Rajagopalachari in which latter claimed he could persuade Gandhi and Congress to accept offer of Constituent Assembly based on Provincial Legislatures	237
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128	Wavell to Amery Letter 1005	3	Refers to No. 25; does not think they can carry discussion of future policy towards backward tribes any further at present	263
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134	Wavell to Amery Letter, paras. 2, 7–10	5	Refers to No. 110; Amery's criticisms of Viceroy's constitutional proposals; composition of Sapru Committee; Twynam's idea of elections to form Constituent Assembly; Hidayatullah and Sind Provincial Muslim League; Army pay	268
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150	Twynam to Wavell Letter R. 49–GCP, para. 1	15	Elaborates views on holding general elections to form Constituent Assembly; Congress reorganisation	306
151	Casey to Wavell Letter	17	Continues No. 91; conversations with Indians on India's future; ways of countering Pakistan idea; Nazimuddin's concept of E. Pakistan	307
152	War Cabinet W.M. (44) 171st Conclusions Minute 6	18	India: The Constitutional Position	310
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155	War Cabinet Committee on India Paper I (44) 6	20	Note by Attlee circulating draft tel. to Wavell which suggests he comes to London to discuss his proposals when outcome of Sapru Committee's deliberations is known	313
156	Wavell to Amery Letter, paras. 1–4, 8–10, 12, 14, 16, 18	20	Refers to Nos. 122 and 144; constitutional problem; Sapru Committee; release of Congress prisoners; instability of N.-W.F.P. Ministry; Provincial general elections; Viceroy's Calcutta speech; Viceroy's visits to Imphal and Cawnpore; Governorship of Madras; appointment of *Times*' correspondent; trustworthiness of Indian officials; Indian troops in Greece	314

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CHAPTER 2

India Committee's examination of alternative solutions to the Indian problem; Desai proposals: 21 December 1944 to 20 March 1945

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159	Amery to Wavell Tel. 29026	22	Asks him to explain his references implying that H.M.G. had failed to honour, or did not intend to honour, its pledges to India	326
160	Amery to Wavell Tel. 1042	22	Imagines he will reply to No. 159 referring to 'often expressed general desire of H.M.G. that India should attain to complete self-government'	327
161	War Cabinet India Committee Paper I (44) 7	22	Memorandum by Amery on The Constitutional Problem; Commitments undertaken by H.M.G.	327
162	Wavell to Amery Tel. 2370–S	24	Refers to No. 159; references were not intended to impute any bad faith to H.M.G.; explains nature of Indian criticism on this subject	333
163	Wavell to Amery Tel. 2374–S	25	Asks to see record of India Committee's discussions	334
164	Wavell to Amery Tel. 2387–S	27	Refers to No. 163; is convinced Sapru Committee will produce no results of value and proposes coming home about 25 Jan. 1945	334
165	Wavell to Amery Letter, paras. 1, 4–7	27	Refers to No. 149; Wavell's care in not disclosing his constitutional proposals to Jinnah; conflict between needs of post-war reconstruction and constitutional situation; reactions to Rowlands' appointment; Amery's idea he should visit India; speeches by Members of Council	335
167	War Cabinet India Committee Paper I (44) 10	28	Note by Attlee on Practicability of a Different Approach to the Solution of the Indian Problem	339
168	Amery to Attlee Letter	28	Encloses No. 163; feels it reasonable Wavell should be shown how their minds are working; suggests he is sent No. 137 with certain omissions	340
169	Attlee to Amery Letter	28	Refers to No. 168; feels it would be wrong to send Wavell No. 137, No. 147 or a summary of them	341
170	Minute by Monteath	29	Comments on No. 169	342

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172	Wavell to Cripps Tel. 2412-S via India Office	30	Sees no harm in delivering Enclosure to No. 177 but wonders if he has considered consequence of Sapru disclosing he is in correspondence with member of Cabinet	344
		1945 (*January*)		
173	Minute by Churchill M 1/5	1	Explains why it is impossible for Wavell's visit to take place before end of Feb. but Cabinet should consider whether he should come at all	344
174	Wavell to Casey Letter 592/14	1	Thanks for No. 151; doubts desirability and feasibility of Pakistan but feels he should not risk being represented as openly hostile to idea	345
175	Amery to Attlee Letter	1	Feels No. 173 provides strong reason for postponing Wavell's visit until March; would prefer subject is not discussed in Cabinet	346
176	Amery to Cripps Letter	2	Shares Wavell's fear in No. 172 and suggests way it might be avoided	347
177	Cripps to Amery Letter	2	Encloses copy of his letter to Sapru and cannot see any reason for its not being delivered	348
178	Wavell to Amery Letter 1, paras. 1–3, 7, 10, 18–19	2	Refers to No. 158; proceedings of Sapru Committee; Mahasabha's and Radical Democratic Party's draft Indian Constitutions; administrative difficulties; celebrations of German defeat; statistics of detenus and Congress prisoners; recruitment to I.C.S. and I.P.	349
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180	Minute by Monteath	3	General points on Amery's constitutional ideas	358
181	Attlee to Amery Letter	4	Thanks for No. 175; will have a word with Churchill about matter	360
182	Amery to Wavell Letter, paras. 1–6, 11–12, 14, 16–17	4	Refers to Nos. 156 and 165; date of Wavell's visit; idea Auchinleck should visit London; Amery's constitutional ideas; speeches by Members of Council; Finance Membership; K. M. Panikkar; appointment of *Times*' correspondent; Lady Mountbatten	360
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185	Wavell to Amery Tel. 38–S	7	Refers to No. 183 and emphasises importance of early visit	377
186	Amery to Wavell Tel. 23	7	Refers to No. 148, para. 15 and hopes he will discourage Rajagopalachari's proposed visit to U.K.	377
187	Twynam to Wavell Letter R–52–G.C.P., paras. 1–2	7	Decision to disallow Congress meeting at Jubbulpore and to reimprison certain Congress organisers; re-examination of intended release of detenus	378
188	War Cabinet India Committee Paper I (45) 5	9	Note by Attlee circulating replies to No. 167 from Simon, Anderson, Cripps and Butler	380
189	Wavell to Amery Letter 2, paras. 1–5, 8–10	9	Gandhi's health; Congress activity; release of Ghosh and Azad's complaints on treatment of Congress detenus; proposal to detain members of Congress Working Committee in their own Provinces; Ministerial prospects in N.-W.F.P.; future of Intelligence Bureau; re-organisation of National War Front; recruitment to I.C.S. and I.P.	386
190	Amery to Simon Letter	10	Comments on his note in Appendix to No. 188	390
191	Amery to Butler Letter	10	Comments on his note in Appendix to No. 188	391
192	Amery to Wavell Tel. 921	11	Refers to No. 164 and informs him definitely that H.M.G. consider late March best for his visit	392
193	Amery to Cripps Letter	11	Answers queries Cripps had made on No. 184	392
194	Minute by Turnbull	11	Argues against sending Wavell No. 184 at this stage	396
195	Amery to Wavell Letter (extract)	11	Encloses No. 184 and explains ideas therein	397
196	Wavell to Amery Tel. 81–S	12	Refers to No. 192; finds delay most unfortunate	400
197	Wavell to Amery Tel. 109–S	14	Reports Desai's constitutional plan as outlined in interview with Jenkins and proposes to see him	400
198	Amery to Attlee Letter	15	Sends him No. 197 and asks for early meeting of India Committee	402
199	Mudie to Jenkins Letter	15	Considers Desai's plan is what they had been working for but thinks Wavell should not consult other interests at this stage	403
200	Minute by Churchill C. 9/5	16	Directs India Committee to report on Desai's plan	404
201	War Cabinet India Committee I (45) first meeting, Minute 1	16	Consideration of No. 197	404

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202	Amery to Wavell Tel. 1292	16	Refers to No. 197 and asks him not to arrange personal interview with Desai until he hears further	407
203	Amery to Attlee Letter	17	Encloses draft reply to No. 197 and wonders if Cabinet meeting can be avoided on 19 Jan.	407
204	War Cabinet India Committee Paper I (45) 7	17	Circulates draft report of India Committee on No. 197 and draft reply to No. 197	409
205	Attlee to Amery Letter	17	Thanks for No. 203; does not see how Cabinet meeting can be avoided	412
206	Turnbull to Laithwaite Letter	17	Changes Amery would like made to Enclosures 1 and 2 of No. 204	413
207	Laithwaite to Turnbull Letter	17	Refers to No. 206 and indicates the amendments Attlee is making	414
208	Wavell to Amery Tel. 133-S	18	Refers to No. 202; explains he has already fixed an interview with Desai and intends, failing any definite instructions, to go over his proposals without making commitments	415
209	Amery to Attlee Letter	18	Sends him No. 208; proposes to tell Wavell he should see Cabinet's conclusions before meeting Desai	415
210	War Cabinet Paper W.P. (45) 37	18	Report by Attlee on Desai's Approach to the Viceroy	416
211	War Cabinet India Committee I (45) second meeting	18	Consideration of situation in light of No. 208	416
212	Amery to Wavell Tel. 1509	18	Refers to No. 208, Cabinet recognise interview may be unavoidable but emphasise he should not make commitments or imply Desai's plan will prove acceptable	418
213	Amery to Wavell Letter, paras. 1–6, 9–10, 12, PS.	18	Refers to No. 189; India Committee's consideration of No. 197; Amery's criticism of an aspect of Desai's plan; Amery's own constitutional proposals; receipt of No. 208; reorganisation of National War Front; reappointment of Holburn as *Times*' correspondent	418
214	Mudie to Jenkins Tel. 96 via Secretary to Governor of Bombay	19	Jinnah is reported to have known nothing of Desai's scheme and Congress opinion is that Gandhi had not authorised it	423
215	Wavell to Amery Tel. 157-S	20	Reports further conversation with Desai elucidating latter's constitutional plan	423
217	Hyderabad to Wylie Letter M.O.A K./Nizam VII	20	Views on constitutional situation and Indian officering of Army	426
218	War Cabinet India Committee Paper I (45) 9	20	Note by Attlee circulating letter from Sapru to Cripps with questionnaire issued by Sapru's conciliation committee	429
219	Wavell to Amery Tel. 3-U	21	Refers to No. 195 and explains his objections to ideas in No. 184	434

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222	Wavell to Provincial Governors Letter	22	Summarises recent political developments	438
223	War Cabinet India Committee Paper I (45) 10	22	Note by Amery circulating extract from G. of I's Publicity Report for week ended 20 Jan. and extract from letter from Rajagopalachari to Sapru Committee	440
224	War Cabinet India Committee Paper I (45) 11	22	Memorandum by Amery on Provisional Executive and Permanent Constitution	441
225	Amery to Wavell Tel. 3-U	23	Refers to No. 219; advises him to keep No. 184 to himself as Desai plan holds field	443
226	War Cabinet India Committee I (45) third meeting, Minute 1	23	Consideration of No. 215	443
227	Wavell to Amery Letter 3, paras. 1-2, 6, 8, 10	23	Refers to Nos. 182 and 195; proposal Auchinleck should visit London; Congress revival; Desai's move; suggested visit of Rajagopalachari to U.K.; Viceroy's interview with Khizar Hyat Khan; possible re-organisation of central departments	445
228	Glancy to Wavell Letter 544, paras. 3-5	24	Attitude of Muslim League supporters to question of defining Pakistan; Muslim League and Unionist Party; internal dissensions of Akali Sikhs; conversation with Jagdish Prasad	452
229	War Cabinet Paper W.P. (45) 54	24	Report by Attlee of India Committee's consideration of No. 215 and annexing 2 draft tels in reply to No. 215	453
230	Amery to Wavell Letter, paras. 1-10, 17, 20-2, 24-5	24-6	Refers to Nos. 178, para. 10, and 189, para. 9; India Committee's and Cabinet's consideration of No. 215; Wavell's criticisms (No. 219) of No. 184 and further elaboration of Amery's constitutional ideas; re-organisation of National War Front; proposed Parliamentary delegation to India; Auchinleck's visit to London; celebration of German defeat	457
231	War Cabinet W.M. (45) 9th Conclusions Minute 3	25	Approval, with one amendment, of draft tels in Annexes II and III to No. 229	464
233	War Cabinet India Committee Paper I (45) 15	26	Note by Amery circulating Press statements by Liaqat and Jinnah and report of Munshi's memorandum to Sapru Committee	472
234	Menon to Jenkins Letter	27	Reports conversation with Desai and Birla	475
235	Wavell to Amery Tel. 225-S	29	Answers Cabinet's general points in Annex II to No. 229; urges H.M.G. to authorise him to send for Desai and Jinnah; and reports Menon's conversation with Desai and Birla (No. 234)	478

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236	Wavell to Amery Tel. 226-S	29	Answers Cabinet's specific questions in Annex III to No. 229	479
237	Wavell to Amery Tel. 227-S	30	Refers to Nos. 235 and 236; explains why he favours proceeding further on Desai's proposals	481
238	War Cabinet India Committee I (45) fourth meeting	30	Consideration of Nos. 235-7	483
239	War Cabinet India Committee Paper I (45) 21	30	Note by Attlee circulating draft reply to Nos. 235-7 for consideration at India Committee's next meeting	487
240	Wavell to Amery Letter 4, paras. 1-3, 11, 13-15	30	Refers to No. 213; India Committee's consideration of Desai proposals; Punjab politics; Viceroy's visit to N.-W.F.P.; re-organisation of National War Front; re-appointment of Holburn as *Times*' correspondent; future of Intelligence Bureau; Bengal case for debt relief	488
242	War Cabinet India Committee I (45) fifth meeting	31	Consideration of No. 239 giving approval to appended draft reply to Nos. 235-7 which further explains Cabinet's anxieties on Desai proposals and suggests Viceroy sees both Desai and Jinnah for further elucidation but without making commitments	493
243	Minute by Attlee	31	Sends Nos. 235-7 to Churchill and commends draft reply to Wavell in Appendix to No. 242	496
		(*February*)		
246	War Cabinet India Committee Paper I (45) 22	1	Memorandum by Amery annexing (I) memorandum prepared in 1943 on possible content of treaty between U.K. and India and (II) note on British responsibilities to Princes	500
247	Amery to Wavell Letter, paras. 1-7	1	India Committee's consideration of Nos. 235-7 and Amery's views on Desai proposals; Madras Governorship	520
248	Churchill to Attlee Tel. Jason 64 via Air Ministry	2	Suggests 2 amendments to Appendix to No. 242	523
249	Attlee to Churchill Tel. Fleece 102 via Air Ministry	3	Informs him that amendments proposed in No. 248 have been made and tel. to Wavell despatched	523
253	Wavell to Amery Letter 5, paras. 1-4, 9-11	5	Refers to No. 230; H.M.G.'s latest tels. on Desai proposals; Congress politics; Punjab fears on Desai proposals; proposed Parliamentary delegation to India; celebrations of German defeat; survey on possibility of starting British Council work in India	527
254	Amery to Wavell Letter, para. 1	7	Madras Governorship	530

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256	War Cabinet India Committee Paper I (45) 23	9	Memorandum by Amery enclosing India Office Note commenting on Cripps' suggestions in Appendix to No. 188	533
257	Wavell to Amery Tel. 63–S.C.	10	Intends to see Jinnah and, if he is favourable, Desai on his return from tour and asks if H.M.G. would agree to his visit in early March if apparently acceptable solution arises	539
259	Wavell to Amery Letter 6, paras. 1–9	11	Refers to No. 247; merits of Desai proposals; Executive Council's likely reaction to Desai-type Council; proceedings of Sapru Committee	540
260	Attlee to Amery Letter	12	Refers to No. 257; feels Wavell should see Jinnah and Desai, and Cabinet then consider position; must consult Churchill on date of Wavell's visit	545
261	Amery to Wavell Tel. 3442	13	Refers to No. 257; will urge Churchill to agree to earlier visit if his conversations with Desai and Jinnah are encouraging	546
262	Wavell to Amery Tel. 80–S.C.	15	Refers to No. 261; feels it may be wise to see Sapru and a few others before his visit; asks to know earliest date of visit before fixing meetings with Jinnah and Desai	546
263	Amery to Wavell Letter, paras. 1–4, 8, 10	15	Date of Wavell's visit; proposed establishment of Standing Committee of Legislature on External Affairs Dept.; Moon's *Future of India*; Madras Governorship; organisation of Indian central govt. depts.	547
264	Attlee to Amery Letter	16	Refers to No. 262 and suggests Wavell is told to hold his meetings but that timing of his visit must depend on U.K. events	550
265	Amery to Attlee Letter	16	Encloses suggested reply to No. 262 informing Wavell that his visit is unlikely to be before mid-March	550
266	War Cabinet India Committee Paper I (45) 24	16	Memorandum by Amery on Views of Sir Zafrullah Khan and Sir Sultan Ahmed on the Indian Constitutional Problem	551
268	Amery to Wavell Tel. 120	17	Refers to No. 227, para. 6; asks for report on Congress activities	559
270	War Cabinet India Committee Paper I (45) 25	17	Memorandum by Amery elaborating ideas in No. 184 and appending Provisional List of Sections of Govt. of India Act Requiring Amendment	560
271	War Cabinet India Committee Paper I (45) 26	17	Memorandum by Amery circulating India Office Note on Possible Variations of Coupland Plan as Regards Provincial Executives and their Relation to the Legislatures	571

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273	War Cabinet India Committee Paper I (45) 27	20	Memorandum by Amery circulating India Office Note commenting on No. 184 and Butler's Note in Appendix to No. 188	577
274	Amery to Bevin Letter	21	Is arranging for him to be sent No. 184; explains Wavell's and his proposals are not exclusive	584
275	Wavell to Amery Letter 7, paras. 1, 3, 6–7, 13–14, 16–17, PS.	21	Refers to Nos. 189 and 213; Madras Governorship; Hydari and Muhammad Ali; Gandhi's statement on detention of Congressmen in Bihar and U.P.; dispersal of Ahmednagar detenus; Muslim League and Sind and Assam Ministries; proposed Standing Committee of Legislature on External Affairs Dept.; amalgamation of Middle East and P.A.I. Commands; Assembly debates; Council's opposition to Estate Duties Bill	585
276	Wavell to Colville Letter	22	Refers to No. 222; briefs him on further developments; asks him to see Jinnah on his behalf and indicates line he should take	593
277	Wavell to Amery Tel. 375–S	22	Informs him of his brief to Colville as in No. 276	596
278	Attlee to Amery Letter	22	Asks if he is agreeable to asking Linlithgow to give evidence to India Committee	596
279	Butler to Amery Letter	22	Refers to No. 273; feels Advisers do not do justice to his personal preference against interim govt.	597
280	War Cabinet India Committee Paper I (45) 28	22	Memorandum by Amery circulating India Office Note on Regional Groupings	597
281	Amery to Wavell Letter, paras. 1–4, 10, 14	22	Refers to No. 259; date of Wavell's visit; Madras Governorship; recruitment to I.C.S. and I.P.; Amery's constitutional ideas; Executive Councils in Section 93 Provinces	602
282	Amery to Attlee Letter	23	Refers to No. 278; agrees to inviting Linlithgow at later stage	607
283	Colville to Wavell Tel. 170/C	24	Refers to No. 276; informs him of his interview with Jinnah in which latter denied authorising discussion between Desai and Liaqat and offered to meet Wavell to discuss Desai proposals	607
284	War Cabinet India Committee Paper I (45) 29	24	Memorandum by Amery circulating Supplementary Note on Regionalism and appending further Note on Distribution of Subjects between Centre, Regions and Units	608
285	Wavell to Amery Tel. 395–S	25	Sends appreciation on increased Congress activities	615
286	Jenkins to Symington Tel. 396–S	25	Thanks for No. 283; instructs Symington to inform Jinnah that constitutional proposals are Desai's and that Viceroy hopes	616

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286 (*cont.*)			he will not summon League Committee nor discuss them with third parties	
287	Wavell to Amery Tel. 397-S	25	Refers to No. 277; summarises Nos. 283 and 286; doubts if he will be able to come home before mid-March	617
289	War Cabinet India Committee I (45) eighth meeting	28	Consideration of Amery's constitutional scheme in light of Nos. 184, 270 and 273	619
290	Wavell to Amery Letter 8, paras. 1, 3, 6–7, 11	28	Refers to No. 263; defeat of Sind Ministry; Moon's *Future of India*; Madras Governorship; organisation of central govt. depts.; form of National War Memorial; Enclosure: Note of Wavell's conversation with Sapru on 26 Feb.	627
291	Amery to Wavell Letter, paras. 1, 5, 7, 11–12, 14	28 Feb.– 1 Mar.	Refers to Nos. 253 and 281; date of Wavell's visit; Zafrullah's speech to Commonwealth Relations Conference; survey on possibility of starting British Council work in India; Law Officers' opinion on possibility of converting Burma equivalent of Section 93 into Executive Council govt.; India Committee's consideration of No. 184 (No. 289); Raisman's Budget speech	632
		(*March*)		
292	Casey to Wavell Letter	1	Surveys generally Bengal administrative situation and feels that, unless G. of I. gives him more active help, they will have to discuss whether it is worth his remaining	637
293	Amery to Wavell Tel. 4824	2	Informs him of Samuel's enquiries on release of Congress prisoners and line he intends to take; seeks his concurrence and asks for draft Parliamentary statement in case needed	642
294	Amery to Wavell Tel. 151	2	Refers to No. 293; feels sure Cabinet would not agree to release of Congress prisoners before end of German War unless part of constitutional move it had authorised	643
295	War Cabinet India Committee Paper I (45) 32	2	Memorandum by Amery circulating text of speeches by Zafrullah Khan	643
296	Wavell to Amery Tel. 425-S	4	Agrees with line in No. 293	648
297	Wavell to Amery Letter 38/4	5	Sends Memorandum by Auchinleck on proposals for future officering of Indian forces	649
298	War Cabinet India Committee I (45) ninth meeting (extract)	5	Position of British military personnel in India after independence	656
299	Wavell to Amery Letter 9, paras. 1–2, 4, 12	6	Refers to No. 281; reactions to Budget; Assembly debates National War Front; forces' pay increases; proposal Royal Asiatic Society of Bengal should act for British Council in India	660

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300	Wavell to Amery Tel. 430–S	7	Informs him Jinnah has postponed interview owing to illness	665
302	Minute by Dibdin	7	Indianisation of Council strengthens case for appointment of U.K. High Commissioner	667
303	Amery to Wavell Letter, paras. 1–2, 4, 7–9	8	Refers to Nos. 275 and 290; war situation; war memorial on West Point lines; amalgamation of Persia and Iraq and Middle East Commands; Zafrullah's constitutional ideas; date of Wavell's visit	668
304	Amery to Wavell Tel. 5402	9	Refers to Nos. 293 and 296; seeks advice on reply to P.Q. asking whether Congress leaders will be released on Japan's defeat or detained indefinitely	670
305	Wavell to Amery Tel. 464–S	12	Asks him to press Churchill for early decision on date of his visit as he sees no occasion to await Jinnah's recovery	671
306	Wavell to Amery Tel. 465–S	12	Refers to Nos. 293 and 304; sends statement and draft answer to P.Q. indicating it is not G. of I.'s intention to detain political prisoners indefinitely	671
307	Amery to Attlee Letter	12	Supports Wavell's case in No. 305 and sends summary of previous correspondence with Viceroy on subject	673
308	Note by Gibson	undated	Likely functions of U.K. forces in independent India; future of Crown Representative's office and possibility of placing such U.K. forces under it; parallels with Iraq	675
309	Amery to Wavell Tel. 174	13	Suggests text of communiqué on his visit and line with Press; seeks agreement	678
310	Wavell to Amery Letter 10, paras. 1-6, 13	13	Refers to No. 291; date of Wavell's visit; relations between Legislature and Executive Council; Sind and N.-W.F.P. Ministerial crises; Khizar's statement on Shaukat's dismissal; Central govt.'s aid for Bengal; restoration of civilian govt. in Andamans and Nicobars	679
311	Attlee to Amery Letter	13	Refers to No. 307; explains why he feels Wavell's visit should be postponed until June; suggests line he should take with Viceroy	686
312	Amery to Cripps Letter	13	Explains modifications he is considering to his constitutional ideas in light of criticism	687
313	Wavell to Amery Tel. 484–S	14	Agrees to announcement in No. 309 with one amendment; suggests additional statement making clear idea of his visit is not new	689
314	Amery to Wavell Tel 170	14	Hopes he will accept revised date for his visit in No. 315	690

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315	Amery to Wavell Tel. 5758	14	Refers to No. 305 and explains why it is thought best to postpone his visit to June	691
317	Wavell to Amery Tel. 489–S	15	Refers to No. 315; strongly protests against postponement; explains why decision should be reconsidered	696
318	Amery to Wavell Letter, paras. 1, 3–5, 8–9	15	Date of Wavell's visit; non-official Advisers in Provinces and inapplicability of British political system to India; Zafrullah's constitutional ideas and his future activities; Royal Assent for Estate Duties Bill; Casey's letter to Wavell (No. 292)	697
319	Amery to Attlee Letter	15	Thanks for No. 311; encloses No. 315	700
320	Cripps to Amery Letter	15	Reactions to ideas in No. 312	701
321	War Cabinet India Committee I (45) twelfth meeting	16	Viceroy's visit; Sir Zafrulla Khan's scheme; Regionalisation	701
322	Amery to Wavell Tel. 5995	16	In view of No. 317, H.M.G. agrees to his immediate return; discusses travel arrangements	706
323	Amery to Wavell Tel. 6028	16	Agrees to amendment in No. 313, para. 1 and to text of statement in No. 313, para. 2 subject to an amendment	707
324	Turnbull to Burke Letter	16	Nos. 315 and 317 have not been seen outside India Committee	707
325	Wavell to Amery Tel. 505–S	17	Thanks for No. 322; points out error in No. 323, para. 1	708
326	Note by Amery	19	Notes for discussion on an interim constitution	708
327	Wavell to Amery Tel. 530–S	20	Believes Khan Sahib Ministry in N.-W.F.P. took office after consulting Gandhi but this does not alter general Congress policy	712
329	G.-G. (Public) to S. of S. Tel. 543–G.	20	Feels death sentences on 7 persons convicted in Chimur and Ashti cases should be executed without delay	713

CHAPTER 3

Wavell's visit to London; India Committee's discussion of his proposals; formulation of H.M.G.'s Statement of Policy: 22 March to 31 May 1945

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		1945 (March)		
331	Attlee to Amery Letter	22	Appeals for special effort by India Committee members during Wavell's visit	714
332	Casey to Colville Tel. 73	23	Reports state of political manœuvring in Bengal and considers situation if Congress–Muslim League alliance is formed	715

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333	Colville to Amery Tel. 558–S	23	Refers to No. 332 and explains why Mudie and he feel Casey should be advised to go very slow	717
334	S. of S. to G.-G. (Public) Tel. 6522	23	Refers to No. 329 and agrees to executions	718
335	Amery to Attlee Letter	23	Thanks for No. 331 and will give India Committee meetings priority over other engagements during Wavell's visit except full Cabinet meetings	718
337	War Cabinet India Committee Paper I (45) 37	24	Memorandum by Amery on Sir Zafrulla Khan's Plan: Examination by Officials	722
338	Minute by Churchill	25	Considers his meeting with Wavell had better be purely official	733
339	War Cabinet India Committee I (45) thirteenth meeting	26	First meeting with Wavell	733
340	War Cabinet India Committee Paper I (45) 39	26	Memorandum by Amery commenting on No. 337	746
341	Colville to Amery Tel. 588–S	27	Reports Jinnah's and Liaquat's pronouncements on alleged agreement with Desai	749
342	Hallett to Colville Letter U.P. 250	27	Summarises and comments on note of interview with Khaliquzzaman	749
343	Amery to Grigg Letter	27	Forwards Enclosure to No. 297 and hopes he will agree to proposals therein	752
344	Colville to Amery Letter 11, paras. 4–9, 13, 15, 20	27–8	Refers to Nos. 303 and 318; no general Congress willingness to take office in Provinces; Gandhi's reply to Sapru's amended questionnaire; Munshi's statement; Jinnah's attitude to political developments; new Assam Ministry; Bengal and Sind politics; Council's attitude on post-war recruitment to I.C.S. and I.P.; Amery's proposal for summoning Legislatures in Section 93 Provinces; Assembly rejects Finance Bill	753
	Annex to No. 344		Gandhi's reply to Sapru's (abridged) questionnaire dated 26 Feb.	758
345	War Cabinet India Committee I (45) fourteenth meeting	27	Second meeting with Wavell	760
346	War Cabinet India Committee Paper I (45) 40	27	Memorandum by Amery circulating Note by Mayne on military implications of constitutional reform	767
347	Lascelles to Amery Letter	28	King wishes to see brief résumés of India Committee discussions	776
348	War Cabinet India Committee I (45) fifteenth meeting Minute 1	29	Consideration of situation in light of Nos. 339 and 345	776
349	Colville to Amery Tel. 609–S	29	Explains why he has authorised Section 93 in Bengal; is seeking advice on holding of elections in Province	783

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350	Amery to Colville Letter, paras. 1, 3–4, PS.	29	Wavell's constitutional discussions; Bengal politics; war situation	783
351	Amery to Lascelles Letter	29	Refers to No. 347; believes India Committee minutes will best serve purpose; feels Wavell has greatly impressed Committee	784
352	Casey to Colville Tel. 93	30	Explains why he favours a period of Section 93 lasting at least six months	785
353	Lascelles to Amery Letter	30	King found No. 351 most helpful	787
354	Abell to Turnbull Letter	30	Encloses note about interview between Rajagopalachari and Holburn on constitutional question	787
356	Colville to Amery Tel. 617–S	31	Refers to No. 352; does not think definite undertaking can be given that Section 93 will last six months; suspects Cabinet will not like idea of elections	792
357	Amery to Colville Tel. 7231	31	Refers to No. 352; feels resort to Section 93 was justified but that they should not disclose intention of prolonging it until situation is clearer	792
358	War Cabinet India Committee Paper I (45) 41	31	Note by Anderson suggesting a different approach to the Indian constitutional problem	794
359	War Cabinet India Committee Paper I (45) 42	31	Note by Cripps circulating draft of possible declaration by Viceroy	796
360	Sapru to Wavell Tel. (unnumbered) via India Office	31	Communicates resolutions of Conciliation Committee strongly recommending certain immediate constitutional moves including formation of national govt. at centre by one of two suggested schemes	799
		(*April*)		
361	Amery to Cripps Letter	2	Comments on No. 359	802
362	War Cabinet India Committee Paper I (45) 43	2	Memorandum by Amery enclosing his own draft declaration to be made by H.M.G.	803
363	War Cabinet India Committee Paper I (45) 44	2	Note by Amery commenting on No. 358	805
364	Colville to Amery Letter 12, paras. 1–6, 12	2	Advisers for Bengal; holding of Provincial Elections; Hallett's and Twynam's requests for advice on attitude they should adopt to attempts to form Ministries; increase in Congress activities; reactions to Sapru resolutions (No. 360); Gandhi's statement on Chimur and Ashti sentences	807
365	Colville to Amery Tel. 627–S	3	Comments on No. 360	810
366	Colville to Amery Tel. 628–S	3	Reports Press and Jinnah's reactions to No. 360	811
367	Minute by Churchill	3	Refers to No. 352 and hopes they take Casey's advice	812

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368	Brief for Amery	undated	Refers to Nos. 358 and 359; position of Council Members in Legislature; Indianisation of External Affairs portfolio; proposed Grand Council of India; Governor-General's powers under 1935 Act	812
369	War Cabinet India Committee I (45) sixteenth meeting	3	Consideration of Nos. 358, 359, 362 and 363	814
370	War Cabinet India Committee Paper I (45) 46	4	Memorandum by Amery circulating Nos. 360, 365, 366 and statement by Jinnah on No. 360	823
371	War Cabinet India Committee Paper I (45) 47	4	Memorandum by Amery summarising India Committee's proposals for discussion with Wavell	825
372	War Cabinet India Committee Paper I (45) 48	4	Memorandum by Amery circulating Note by Officials on machinery for giving effect to India Committee's proposals	827
373	War Cabinet India Committee Paper I (45) 49	4	Memorandum by Cripps enclosing a report of a talk with Desai	829
374	War Cabinet Paper W.P. (45) 218	5	Memorandum by Amery on recent Ministerial changes in certain Indian Provinces	830
375	War Cabinet India Committee I (45) seventeenth meeting	5	Discussion of India Committee's proposals with Wavell	832
376	Minute by Patrick	5	Conversation with V. T. Krishnamachari	842
377	Amery to Colville Letter, paras. 1–2, 4–7	6	Refers to No. 344; post-war recruitment to I.C.S. and I.P.; Noon's and Mudaliar's speeches at Commonwealth Conference; India Committee's discussions; inapplicability of British constitutional system to Indian Provinces; war situation	844
378	War Cabinet India Committee Paper I (45) 53	7	Note by Simon questioning whether H.M.G. need announce or authorise constitutional move	845
379	Summary and Note by India Office	undated	In tel. to Colville dated 8 April Casey urges need for fresh elections but indicates these cannot be held before end of 1945; Amery agrees with Colville that Casey's press statement should neither intimate date of elections nor length of Section 93	847
380	Colville to Amery Tel. 658–S	9	Informs him of reactions to Noon's speech at Commonwealth Conference and text of adjournment resolution on subject which he has disallowed	848
382	War Cabinet India Committee I (45) eighteenth meeting, minute 1	10	Renewal of existing Section 93 Proclamation; reconsideration of India Committee's proposals in light of discussion with Wavell in No. 375	849
383	Colville to Amery Letter 13, paras. 1, 3–5, 8, 11, PS	10–11	Refers to No. 350; long-term proposals of Sapru Committee; Casey's views	859

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383 (*cont.*)			on Section 93 in Bengal and date of Provincial election; Casey's proposed broadcast on Bengal administration; Nagpur High Court's decision to allow writs of *habeas corpus* in Chimur and Ashti cases	
384	Amery to Colville Tel. 240	10–11	Refers to No. 380 and explains which of Noon's remarks he considers justified	865
386	War Cabinet India Committee Paper I (45) 55	11	Note by Laithwaite circulating draft parliamentary statement prepared by Cripps	866
387	War Cabinet India Committee Paper I (45) 56	12	Memorandum by Amery circulating his own and India Office's comments on statement in No. 386	870
388	War Cabinet India Committee I (45) nineteenth meeting	12	Amendments agreed to draft statement in No. 386	872
389	Amery to Colville Letter, paras. 1–2	12	Constitutional discussions with Wavell	879
390	War Cabinet India Committee Paper I (45) 57	13	Note by Laithwaite circulating revision of draft statement in No. 386 in light of No. 388	880
391	War Cabinet India Committee Paper I (45) 58	13	Note by Butler elaborating conditions he feels should be adhered to if Committee proceeds with its plan	880
392	Churchill to Amery Minute M. 338/5	15	Refers to No. 379; directs India Committee to advise Cabinet on matter; feels affairs in one Province should not force change in all-India policy towards terrorists	883
393	Colville to Amery Letter 14, paras. 1, 6–9, 13–14	16	War situation; Desai's interview with Colville; Chimur and Ashti cases; approaches on possible formation of Ministries in Section 93 Provinces; Jinnah's rest; close of Central Legislature Session; Auchinleck's statements to National Defence Council on Indianisation of Indian Army; Mountbatten's praise of Auchinleck	883
394	War Cabinet India Committee Paper I (45) 59	17	Memorandum by Amery on revision of the Governor-General's Instrument of Instructions	890
395	War Cabinet India Committee Paper I (45) 61	17	Memorandum by Amery circulating Memorandum by Wavell commenting on revised draft statement before Committee	895
396	War Cabinet India Committee I (45) twentieth meeting	18	(A) general discussion with Wavell; (B) case for specifying in Instrument of Instruction or otherwise the powers to be retained by Governor-General; (C) minimum measure of agreement required before proposals could be	897

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	Name and Number	Date (April)	Main subject or subjects	Page
396 (*cont.*)			regarded as acceptable to H.M.G. and put into operation; (D) points raised in Enclosure to No. 395	
397	Clow to Colville Letter 167, paras. 7–8	19	Future of Assam Hill Tribes	912
398	Amery to Colville Letter, paras. 1–3, 7	19	Constitutional and other discussions with Wavell; Sapru Committee's proposals; war situation	913
399	Anderson to Monteath Letter	20	Explains his assumption that any limitation of the Viceroy's powers would be accompanied by corresponding limitations in those of the S. of S.	915
400	War Cabinet India Committee Paper I (45) 63	20	Memorandum by Amery suggesting compromise between India Committee's and Wavell's standpoints and circulating further revised draft declaration embodying his suggestions	915
401	War Cabinet India Committee Paper I (45) 64	21	Memorandum by Amery enclosing Memorandum by Wavell commenting on No. 400 and suggesting way in which his differences with Committee might be met	921
402	War Cabinet India Committee Paper I (45) 65	21	Memorandum by Amery on Draft Despatch on the Governor-General's Powers	923
403	Grigg to Amery Letter	23	Refers to No. 343; feels proposal to recruit no more British Officers is fundamental; suggests they discuss subject in India Committee and institute an inter-departmental study of its organisational aspects	928
404	War Cabinet India Committee Paper I (45) 66	23	Note by Laithwaite circulating letter from M.Ps to Churchill	930
405	War Cabinet India Committee I (45) twenty-second meeting Parts I and II	23	Further general discussion on merits of Wavell's plan and wording of statement	932
406	Note by Butler	undated	Conversation with Mudaliar, Krishnamachari and Noon on constitutional questions	942
407	War Cabinet India Committee Paper I (45) 67	24	Memorandum by Amery on Future Provision of Officers for the Indian Armed Services	943
408	War Cabinet India Committee Paper I (45) 70	24	Memorandum by Amery on points not covered in draft statement	945
409	Colville to Amery Letter 15, paras. 1–3, 6–9	24	Atrocities in German concentration camps; Dow's view of Indian electioneering; allegation European women in India were not helping troops enough; conditions of Indian troops in Middle East and Italy; leave for key officials; Chimur and Ashti cases	947

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	Name and Number	Date (April)	Main subject or subjects	Page
410	Amery to Churchill Minute P 12/45	25	Refers to No. 392; explains why he feels no further action is required on tels. summarised in No. 379 until after general constitutional issues are decided	951
411	War Cabinet India Committee Paper I (45) 69	25	Note by Laithwaite circulating texts of original draft statement by Cripps and revised draft statement by Amery and Cripps	952
412	War Cabinet India Committee Paper I (45) 71	25	Memorandum by Amery on recruitment for the I.C.S. and I.P. circulating draft War Cabinet Paper on subject	959
413	War Cabinet India Committee I (45) twenty-third meeting	25	Approach to be adopted in Committee's report to Cabinet; Indianisation of Indian Army	962
414	Lewis to Colville Report 8, para. 3	26	Attitude to Sapru Committee's proposals	968
416	Laithwaite to Turnbull Letter	26	Simon thinks it important that India Committee's report should not be shown to Wavell	971
417	Turnbull to Laithwaite Letter	26	Thanks for No. 416; has told Amery	972
419	Wavell to Amery Letter	26	Feels it unwise to make statement on Indianisation of Indian Army at present	975
420	Amery to Colville Tel. 9445	27	Asks for comments on reported statement of Khan Sahib that he had given no assurance on war effort when forming Ministry	976
421	Simon to Amery Letter	27	Explains amendments he has made to report of India Committee	976
422	Amery to Churchill Minute P 14/45	27	Explains background to proposal (Enclosure to No. 297) for Indianisation of Indian Forces	977
423	War Cabinet India Committee Paper I (45) 73 (Final)	27	Report by India Committee on Indian Constitutional Position appending draft statement which might be made by Amery	979
424	Laithwaite to Turnbull Letter	28	Briefing Wavell should be given on state of constitutional deliberations	988
426	Colville to Amery Tel. 774-S	30	Action he is taking on No. 420	989
427	Colville to Amery Tel. 776-S	30	Reports Casey's continued advocacy of elections in Bengal; Mudie's and Thorne's views on subject; and his reply to Casey	990
428	Amery to Simon Letter	30	Thanks for No. 421; feels No. 423 is a very good document	991
429	War Cabinet W.M. (45) 56th Conclusions	30	Consideration of No. 423	991
430	Colville to Amery Letter 16, paras. 8–9, 11–13	30	Colville's conversation with Mudie on recruitment to I.C.S. and I.P. and key leave scheme; Bengal situation; decision not to stop Auchinleck's journey to U.K.;	996

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	Name and Number	Date	Main subject or subjects	Page
		(*April*)		
430 (*cont.*)			Jinnah's letter to Colville; Khan Sahib's reported statement he had given no assurances on war effort	
		(*May*)		
431	Colville to Amery Tel. 781-S	1	Refers to No. 432; has again informed Casey he feels he should announce Advisers	998
432	Colville to Amery Tel. 782-S	1	Repeats tel. from Casey requesting Colville to obtain definite acceptance of proposal to announce general election in Bengal in winter of 1945-6	999
433	Cunningham to Colville Tel. CA 36	2	Reports conversation in which Khan Sahib explained Press had misrepresented him on war assurances; Cunningham strongly opposes any statement being issued in India but suggests line of answer to P.Q.	1000
435	Amery to Colville Letter, paras. 2-3	3	Refers to No. 409; state of constitutional discussions; publicity for good reception given to Indian P.O.Ws arriving in U.K.	1006
436	Amery to Colville Tel. 285	3	Refers to Nos. 431 and 437; informs him stage constitutional discussions have reached but cannot predict outcome	1008
437	Amery to Colville Tel. 9995	4	Agrees with his reply to Casey as reported in No. 427; asks him to consult Governors on idea of elections in Bengal only	1009
439	Cunningham to Colville Tel. CA 40	7	Text of statement Khan Sahib is issuing about his assumption of office	1017
440	Colville to Amery Letter 17, paras. 1-2, 4-5, 9, PS, PPS	7-9	Refers to No. 398; Indian celebrations of Victory in Europe; recruitment to I.C.S. and I.P.; Khan Sahib's statement; Punjab Ministry's requests regarding London constitutional discussions; Provincial attitudes to the carrying out of executions on convicted terrorists	1017
442	Amery to Churchill Minute P17/45	8	Argues in favour of Cabinet reaching a decision on India that week	1021
443	Churchill to Amery Minute M455/5	10	Does not think it will be possible to meet his wishes in No. 442	1022
446	Amery to Colville Letter	10	Delay in deciding Indian policy; British celebrate victory	1025
448	Colville to Amery Tel. 852-S	14	Refers to No. 437 and reports Governors' reactions	1028
450	Colville to Amery Letter 18, paras. 1-2, 5-7, 10	15	Refers to No. 435; progress of constitutional discussions; publicity for Indian P.O.Ws. in U.K.; Indian celebrations of European Victory; suggestions by Members of Council for release of Congress Working Committee;	1038

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	Name and Number	Date (May)	Main subject or subjects	Page
450 (*cont.*)			case of Asaf Ali; Governors' reactions to idea of elections in Bengal; U.K. leave for senior officials	
451	Amery to Colville Tel. 11006	17	Refers to No. 297 and authorises him to announce grant of stated numbers of permanent commissions for Indian officers	1040
452	Amery to Colville Letter, para. 1	17	Postponement of decision on constitutional question	1041
453	G. of I., Home Dept. to Provincial Govts. and Chief Commissioners Express Letter 44/13/45-Poll. (I)	17	Outlines criteria for classifying security prisoners with respect to their possible release	1042
454	Clow to Colville Letter 169, paras. 3–4, 10	18	Reactions in Assam to ending of war; likelihood of future decrease in public contentment; talk with Liaqat on Pakistan	1044
458	Colville to Amery Letter 19, paras. 1, 4–5	22	Refers to No. 446; publication of alleged letter from Amery to Jinnah; Zafrullah's unexpected journey to London	1055
459	Amery to Churchill Minute P. 18/45	23	Underlines urgency of Viceroy knowing where he stands and of S. of S. being allowed to make early statement in the House	1057
460	Wavell to Churchill Letter	24	Asks for some indication as to when decision will be taken on Indian policy	1057
461	Amery to Eden Letter	24	Discusses timetable in connection with his proposed Commons statement on India	1058
462	Note by Wavell	24	Conversation with Birla on constitutional question	1060
463	Amery to Colville Letter, paras. 1–3	24	Timetable for Commons statement on India; best method of putting constitutional proposals to Council	1061
465	Churchill to Wavell Letter	28	Thanks for No. 460 and hopes to let him have decision by end of coming week	1063
466	Churchill to Bridges Minute C. 41/5	28	Directs Indian constitutional proposals to be considered at first meeting of new Cabinet	1063
467	Amery to Wavell Letter	29	Discusses position on release of Congress Working Committee in context of Wavell's constitutional discussions	1064
469	Cabinet C.M. (45) 1st Conclusions Minute 1	30	Further consideration of No. 423	1065
470	Cabinet C.M. (45) 2nd Conclusions Minute 2	30	Decision to invite Wavell to give Cabinet his views on No. 423	1069
471	Colville to Amery Letter 20, paras. 1–5, 7	30	Refers to No. 452; release of Asaf Ali; anxieties of Members of Council on their position under new constitutional scheme; proposed appointment of Ministry of Information representative in India; Khan Sahib's presence at V-Day parade	1071

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	Name and Number	Date (May)	Main subject or subjects	Page
472	Cabinet C.M. (45) 3rd Conclusions Minute 1	31	Elaboration by Wavell of his constitutional proposals	1073
473	Draft by Wavell	undated	Draft of broadcast announcing constitutional proposals	1077
474	Cabinet India Committee I (45) twenty-sixth meeting	31	Amendments agreed to draft statement appended to No. 423	1080
475	Cabinet Paper C.P. (45) 5	31	Note by Bridges circulating report of India Committee on amendments recommended to Appendix to No. 423	1082
476	Cabinet C.M. (45) 4th Conclusions Minute 2	31	Authority for Viceroy to proceed on proposals in draft statement; further modifications to draft statement	1083

CHAPTER 4

The Simla Conference: 3 June to 28 July 1945

	Name and Number	Date 1945 (June)	Main subject or subjects	Page
477	Churchill to Amery Minute M. 564/5	3	Asks him to explain to Attlee and Cripps at earliest opportunity the extent the instructions given to Wavell in No. 476 differ from those previously recommended by India Committee	1086
478	Colville to Amery Letter 21, paras. 4, 6–7, 10	3	Refers to No. 463; Casey's request for 6 Advisers; Council's discussion on right of retirement on proportionate pension for Indian members of central services; *Hindustan Times*' reaction to announcement of recruitment to I.C.S. and I.P.; Council's attitude on constitutional developments	1086
479	Wavell to Amery Tel. 962-S	7	Reports Council's reactions and objections to constitutional proposals; considers their suggestions but recommends he be authorised to proceed with proposals	1089
480	Wavell to Amery Tel. 963-S	7	Refers to No. 479 and sends recommended alterations to wording of draft statement and broadcast	1091
481	Wavell to Amery Tel. 964-S	7	Refers to Nos. 479 and 480; gives further details of Council's reactions to proposals and reports Press leakages of Council's proceedings on 6 June	1093
482	Wavell to Amery Tel. 970-S	7	Informs him of note received from Ambedkar, Srivastava and Khare making protest on constitutional proposals	1094
483	Ambedkar to Wavell Letter	7	Complains of inadequate representation for Scheduled Castes in H.M.G.'s constitutional proposals	1094

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	Name and Number	Date (June)	Main subject or subjects	Page
484	Cabinet Paper C.P. (45) 21	7	Circulates and comments on Nos. 479, 480 and part of No. 481	1097
486	Amery to Wavell Letter, paras. 1–2, 4, PS	7	Council's attitude to constitutional proposals; Casey's successor; Rowlands' future	1100
487	Wavell to Amery Tel. 976-S	8	Refers to No. 482; informs him of No. 483 and of further meeting with Ambedkar; comments on these; and suggests text of tel. from Amery to Ambedkar	1102
488	Wavell to Amery Tel. 977-S	8	Advocates adding passage to text of broadcast stressing H.M.G.'s wish to see long-term solution	1103
489	Wavell to Glancy Tel. 982-S	8	Asks him to explain constitutional proposals to Khizar	1104
490	Wavell to Amery Tel. 985-S	8	Refers to No. 481; reports reactions to Press leakages and further interview with Srivastava	1104
491	Cabinet India Committee I (45) twenty-seventh meeting	8	Consideration of No. 484	1105
492	Cabinet C.M. (45) 6th Conclusions Minute 3	8	Decision on form of reply to Nos. 479–81	1106
493	Martin to Turnbull Letter	8	Sends for transmission to Wavell tel. referring to Nos. 479 and 481 authorising Wavell to make broadcast but asking for report on reactions to it before decision on any further action is taken	1108
494	Monteath to Jenkins Tel. 13052	8	Points out confusion in Cabinet's tel. authorising Wavell to proceed with broadcast	1109
495	Wavell to Amery Tel. 990-S	9	Answers questions in Cabinet's tel. (Enclosure to No. 493); assumes he is authorised to adhere to original plan subject to reports he specifies	1109
496	Wavell to Amery Tel. 997-S	9	Refers to Nos. 479 and 480; explains why he has decided to drop invitation to Mookerjee	1110
497	Glancy to Wavell Tel. 17-G	9	Refers to No. 489; Khizar has every intention of attending conference and of adopting reasonable attitude	1111
498	Amery to Wavell Tel. 13076	9	Informs him Commons' Statement has been postponed until 14 June; agrees to No. 488; discusses publicity arrangements	1111
500	Amery to Wavell Tel. 13147	11	Agrees with action reported in No. 487; does not feel it necessary to send personal message to Ambedkar	1113
501	Amery to Simon Letter	11	Sends him No. 495; hopes he will agree Wavell may proceed as is proposed therein	1113
502	Amery to Churchill Minute P 24/45	11	Refers to No. 492 and reports there are no passages in draft statement which	1114

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	Name and Number	Date (June)	Main subject or subjects	Page
502 (*cont.*)			imply that H.M.G. believes proposals stand a good chance of success	
503	Churchill to Amery Minute M. 605/5	12	Refers to No. 502; feels it necessary for him to agree statement with India Committee	1115
504	Wavell to Amery Letter 22, paras. 1, 3–6, 8, 11	12	Wavell's return; Council's reactions to constitutional proposals; decision not to invite Mookerjee to Conference; forecasting reactions of Gandhi and Jinnah; Rowlands' Report on Bengal Administration; forged letter from Amery to Jinnah; postponement of National Defence Council meeting; conversation with Casey	1115
505	Amery to Wavell Tel. 382	14	Sends best wishes from Cripps and himself	1118
506	Amery to Churchill Minute P. 26/45	14	Informs him of reactions of members of India Committee to his proposed Commons' speech introducing Statement on Indian Policy	1118
507	Statement of Policy of H.M.G. made by S. of S. for India	14	Full text of statement as published	1118
508	Broadcast Speech by Wavell at New Delhi	14	Full text of broadcast as made	1122
509	Wavell to Amery Tel. 1059–S	15	Thanks for No. 505; reports first reactions to proposals are not unfavourable	1125
510	Press Report	15	Gandhi's comments on No. 508	1125
511	Wavell to Amery Tel. 1061-S	15	Reports Press reactions to constitutional proposals; names of those who have so far accepted invitations; and gist of tel. from Gandhi	1126
512	Note by Military Intelligence No. 10005/189/G.S.I. (b)	15	Account of life in I.N.A.; reactions of members of I.N.A. to capture; and reactions of Indian Army to I.N.A.	1127
513	Wavell to Amery Tel. 164-G.T.	16	Repeats tels. exchanged with Gandhi about Gandhi's invitation to Conference and terminology used in Wavell's broadcast	1129
514	Wavell to Amery Tel. 165-G.T.	16	Repeats tels. exchanged with Jinnah on Jinnah's invitation to Conference and his request for postponement of conference	1131
515	Jinnah to Wavell Tel. (unnumbered)	16	Refers to No. 514, para. 3; explains difficulties in calling Muslim League Working Committee meeting before or at start of Conference; but hopes their meeting may clarify situation	1132
516	Gandhi to Wavell Letter	16	Elaborates position expressed in No. 510 and tels. in No. 513; explains his relationship with Congress; advises Wavell to invite President of Congress to Conference	1132

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	Name and Number	Date (June)	Main subject or subjects	Page
517	Wavell to Amery Tel. 1068-S	16	Further reports of Press reactions to constitutional proposals and acceptances to Conference; indicates line he will take with Gandhi and Jinnah	1134
518	Wavell to Jinnah Tel. 167-G.T.	17	Refers to No. 515; asks if he may assume (i) Jinnah and other Muslim League invitees will attend Conference, (ii) that Jinnah will wish to consult Muslim League Working Committee when proposals have been clarified	1134
519	Wavell to Amery Tel. 1069-S	17	Summarises and analyses No. 516, Wavell's reply thereto, and Nos. 515 and 518	1135
520	Wavell to Amery Letter 23, paras. 1–2, 4, 9	17	Refers to No. 486; Gandhi's and Jinnah's attitudes to Conference; Amery's contribution to Simla initiative; Rowlands' future; Madras and N.-W.F.P. Governorships; preparing to re-occupy Andamans and Nicobars	1136
521	Wavell to Amery Tel. (unnumbered)	18	Repeats further exchange of correspondence (including No. 516) with Gandhi on position of Congress at Conference	1139
522	Wavell to Amery Tel. 1077-S	18	Refers to No. 521; further analyses Congress and Muslim League positions; recommends they stand pat on proposals	1140
523	Azad to Wavell Tel. (unnumbered)	18	Thanks for invitation to Conference; is putting matter before Congress Working Committee	1141
524	Amery to Wavell Letter	18	Electioneering in Birmingham; Amery's speech in Commons' debate	1142
525	Wavell to Amery Tel. 173-G.T.	19	Repeats tel. from Gandhi saying if parity between Muslims and Caste Hindus remains unalterable he will advise Congress not to participate in Executive Council, and tel. from Wavell replying thereto	1143
526	Wavell to Amery Tel. 1081-S	19	Refers to No. 525; does not think they will know more until after Congress Working Committee has met	1144
527	Wavell to Amery Tel. 1087-S	20	Reports *Dawn's* comments on Gandhi's attitude	1144
528	Wavell to Amery Tel. 1088-S	20	Refers to No. 527; explains line he intends to take in interviews with Gandhi and Jinnah; outlines Conference agenda	1144
529	Azad to Wavell Tel. (unnumbered)	21	Is authorised to accept invitation to Conference; asks for interview with Wavell	1146
530	Wavell to Amery Tel. 123-S.C.	22	Informs him of No. 529; feels it probable that Conference will assemble on 25 June	1146

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	Name and Number	Date (June)	Main subject or subjects	Page
531	Gandhi to Wavell Tel. (unnumbered)	22	Is arranging to come to Simla for meeting with Wavell	1147
532	Monteath to Jenkins Tel. 14109	22	Reports discussion with Birla on prospects of Simla Conference	1147
533	Amery to Wavell Tel. 14134	22	Agrees generally with line proposed in No. 528 but offers comments on division of Council portfolios between communities; representation of Depressed Classes; and question of equality between Caste Hindus and Muslims	1149
534	Jenkins to Monteath Tel. 125-S.C.	23	Thanks for No. 532; does not think there will be difficulty about term 'Caste Hindus'	1150
535	Wavell to Amery Tel. 127-S.C.	24	Refers to No. 533; reports interviews with Glancy and Khizar Hyat Khan on representation of Unionists on proposed Executive Council	1151
536	Wavell to Amery Tel. 129-S.C.	25	Reports Viceroy's interviews with Azad, Gandhi and Jinnah on 24 June	1151
537	Wavell to Amery Tel. 140-S.C.	25	Reports proceedings of Simla Conference on 25 June	1154
538	Wavell to Amery Letter 24, paras. 1–3	25	Refers to No. 524; main difficulty foreseen at Simla; reactions of Council Members to latest constitutional developments; Enclosure I: Resolution passed by Congress Working Committee on 22 June	1157
540	Wavell to Amery Tel. 141-S.C.	26	Reports proceedings of Simla Conference on 26 June	1162
541	Wavell to Amery Tel. 142-S.C.	26	Refers to No. 540; text of 'Statement of matters for decision by Conference' considered on 26 June	1164
542	Wavell to Amery Tel. 147-S.C.	27	Reports private discussions between Pant and Jinnah, and between Khizar and Jenkins; also reports proceedings of Simla Conference on 27 June; believes they have arrived at critical point	1165
543	Scarbrough to Wavell Letter, paras. 2–5, 14	27	U.K. General election; Simla proceedings and U.K. Press reactions	1167
544	Wavell to Amery Tel. 149-S.C.	28	Reports his conversation with Jinnah on 27 June; explains that at next Session of Conference, if there is no preliminary settlement between parties, he will ask for lists of possible Council Members and will then try to produce a generally acceptable Council; will insist on right to add own nominees	1170
545	Amery to Wavell Tel. 14609	28	Refers to No. 544, paras. 5 and 6; considers that proposed action falls within approved policy	1171
547	Wavell to Amery Tel. 153-S.C.	29	Reports proceedings of Simla Conference on 29 June	1173

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	Name and Number	Date	Main subject or subjects	Page
		(*June*)		
548	Jenkins to Jinnah Letter 592/9/II	29	Explains Wavell's proposal that he submit a list of possible Muslim League Members of Council (adding separately, if he wishes, names of others of any community not members of the League) which Viceroy will scrutinise when attempting to form a Council acceptable to the parties and to H.M.G.	1174
549	Wavell to Provincial Governors Tel. 155-S.C.	30	Explains and analyses state of Simla Conference deliberations; asks for recommendations on policy if Muslim League declines to co-operate in new Council	1175
550	Monteath to Jenkins Tel. 14792	30	Expresses concern lest procedure now being adopted by Viceroy at Simla Conference lead Cabinet to feel he had surrendered his freedom of choice	1176
		(*July*)		
551	Wavell to Amery Tel. 161-S.C.	1	In reply to No. 550 outlines procedure he proposes to follow	1177
552	Note by Jenkins	1	Assessment of Nehru and suggestions for Viceroy's conversation with him	1177
553	Bourne to Wavell Tel. 519/M.S.	1	Replies to No. 549; presumes that if Muslim Premiers walk out with Jinnah it will be necessary to continue with existing Council	1180
554	Rutherford to Wavell Tel. 43	1	Replies to No. 549; recommends that if Jinnah and Congress reject Wavell's selection, Viceroy proceeds with reconstitution of Council pending results of General election	1181
555	Wavell to Amery Letter 25, paras. 1–3	1	Speculation on Jinnah's and Congress's likely claims regarding representation on Executive Council; Hindu Mahasabha and constitutional proposals; Nehru's arrival at Simla; Congress and 'victimisation' of officials involved in 1942 disturbances; changed attitude of some Members of Council to constitutional proposals	1182
556	Hallett to Wavell Tel. G-424	2	Replies to No. 549; feels breakdown of negotiations would be a lesser evil than going ahead without Muslim League	1185
557	Hope to Wavell Tel. (unnumbered)	2	Replies to No. 549; advises he forms Executive Council without Muslim League if necessary	1186
558	Casey to Wavell Tel. 207	2	Replies to No. 549; feels that Council without Muslim League would not work but also agrees it would be more damaging for offer to have failed through League non-co-operation; considers failure must be on grounds for which Elections can provide some prospect of a remedy	1187

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	Name and Number	Date (July)	Main subject or subjects	Page
559	Lewis to Wavell Tel. 38-S	2	Replies to No. 549; feels if Muslim League declines to co-operate they must carry on as at present	1189
560	Cunningham to Wavell Tel. C.A.-55	2	Replies to No. 549; believes half of educated Provincial opinion does not admit Muslim League's right to nominate all Muslims; would himself favour Wavell challenging Jinnah	1190
561	Dow to Wavell Tel. 111-S.C.	2	Replies to No. 549; believes that attempts should be made to form Executive Council without Muslim League if necessary	1191
562	Note by Wavell	2	Interview with Nehru	1192
563	Clow to Wavell Tel. V.S.-328	3	Replies to No. 549; suggests courses of action that might be followed should Muslim League not co-operate	1193
564	Colville to Wavell Tel. 205-C	3	Replies to No. 549; believes he could form Ministry in Bombay without League participation and that this would not result in communal trouble; feels that, if Jinnah decides not to co-operate, Viceroy should construct govt. which commands wide support	1194
565	Glancy to Wavell Tel. (unnumbered)	3	Replies to No. 549; agrees it would be inadvisable to form Council without League representation and feels negotiations should be broken off if Jinnah refuses to co-operate; Khizar entertains similar views	1195
566	Casey to Wavell Tel. 208	3	Repeats Nazimuddin's messages on present state of negotiations including view that Jinnah would agree to Punjabi Muslim who was neither a member of Congress nor League	1196
568	Clow to Wavell Letter 176, para. 9	4	Provincial reactions to Simla Conference	1199
569	Colville to Wavell Report 46, para. 2	5	Reiterates views in No. 564; Hindu Mahasabha position	1200
570	Glancy to Wavell Tel. (unnumbered)	6	Continues No. 565; Khizar now feels it would be better to appoint Muslim substitutes for Leaguers at once but Glancy considers it wiser to suspend Conference	1201
571	Amery to Wavell Tel. 407	7	Wonders if accommodation might be reached with Jinnah if, in addition to one non-League Muslim (who might be nominated by Jinnah), Viceroy added one non-Congress Hindu to Congress list; suggests offering external appointments to prominent nominees for whom there is no room in Council	1201

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	Name and Number	Date (July)	Main subject or subjects	Page
572	Azad to Wavell Letter	7	Sends Congress list of nominees to Executive Council and explains principles adopted in their selection	1202
573	Jinnah to Wavell Letter	7	Refers to No. 548; Muslim League Working Committee feels the selection of its representatives on Council should be based on confidential discussions between Wavell and Jinnah and that all Muslim Members should be from League	1205
574	Notes by Jenkins and Wavell	7–8	Wavell's interview with Jinnah on 8 July	1207
575	Jenkins to Turnbull Tel. 173-S.C.	8	Reports lists of nominees to Council so far received	1208
576	Gandhi to Wavell Letter	8	Comments on Enclosure to No. 572; assumes he will commute sentence or stay execution of Mahendra Chowdhury	1209
577	Wavell to Amery Tel. 175-S.C.	9	Acknowledges No. 571; reports main political developments since 1 July	1210
578	Wavell to Amery Tel. 178-S.C.	9	Feels H.M.G. should go ahead with appointment of U.K. High Commissioner irrespective of outcome of Simla Conference; suggests High Commissioner is placed under Dominions Office	1211
579	Wavell to Jinnah Letter	9	Refers to No. 573; is unable to guarantee that all Muslim Members of proposed Council will be from League; hopes he will send list of nominees	1212
580	Jinnah to Wavell Letter	9	Thanks for No. 579; Muslim League Working Committee considers assurance on Muslim Members being drawn from League to be fundamental so he regrets he is unable to send list of names	1213
581	Wavell to Amery Tel. 182-S.C.	9	Reports gist of No. 580; has made his own provisional list of selections to Executive Council (including Muslim League representatives) which he intends to put to party leaders; if League or Congress reject list would inform Conference of breakdown and disclose names he had selected; discusses future policy in event of breakdown	1214
582	Wavell to Amery Tel. 183-S.C.	9	Refers to No. 581; sends and gives details of his provisional selections; indicates how he would distribute portfolios	1215
583	Wavell to Scarbrough Letter 26, paras. 1–3	9	Refers to No. 543; U.K. General Election; present Congress and Muslim League positions on constitutional proposals; apprehension of senior Provincial officials on return of Ministries	1217
584	Wavell to Provincial Governors Tel. 189-S.C.	10	Informs them of Muslim League attitude and plan he has adopted (as in No. 581)	1220

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585	Jenkins to Jinnah Letter	10	Acknowledges No. 580; Wavell is considering situation	1220
586	Cabinet C.M. (45) 13th Conclusions Minute 9	10	Consideration of Nos. 581 and 582	1221
587	Amery to Wavell Tel. 15504	10	Refers to Nos. 581 and 582; Cabinet suggests he tells Jinnah the Muslim names he favours and tries to persuade him to nominate them; if Jinnah does not agree, Wavell should report back	1223
588	Amery to Wavell Tel. 408	10	Explains background to Cabinet's requests in No. 587; advises on future tactics; believes he can take his selection of names as approved	1224
589	Wavell to Amery Tel. 191-S.C.	11	Reports interview with Jinnah on 11 July at which Jinnah had declined to co-operate unless League's 'fundamental' claims were met; also reports interview with Gandhi on 11 July; outlines his future intentions; regrets his proposals have failed but considers H.M.G. has gained rather than lost ground	1224
590	Glancy to Wavell Tel. (unnumbered)	11	Replies to No. 584; hopes Unionist Party will not be considered solely responsible for Jinnah failing to get his way; wonders if it is necessary to divulge Wavell's selection of names	1227
591	Wavell to Provincial Governors Tel. 192-S.C.	11	Refers to No. 584; informs them of breakdown of Simla Conference and the agenda of Governors' Conference he intends to hold on 1–2 August	1227
592	Amery to Wavell Letter, paras. 1–3, 7–10	11	Simla Conference; Cabinet's consideration of Nos. 581 and 582; U.K. General Election	1228
593	Cabinet Paper C.P. (45) 76	11	Memorandum by Grigg on the Indian Constitutional Position	1231
594	Amery to Wavell Tel. 410	12	Refers to No. 578; explains problems now foreseen in appointment of U.K. High Commissioner; but assures him question is under active examination	1233
595	Cabinet C.M. (45) 14th Conclusions Minute 5	12	Consideration of No. 589	1233
596	Amery to Wavell Tel. 15659	12	Cabinet agrees with action proposed in No. 589; asks to have text of his Press statement; and recognises he has 'handled the whole business admirably'.	1235
597	Amery to Wavell Tel. 15660	12	Refers to No. 596; sends text of statement on failure of Simla Conference which it is intended to issue in U.K.	1236

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598	Amery to Wavell Letter	12	Reactions to failure of Simla Conference; Amery's views on future; appointment of U.K. High Commissioner in India	1236
599	Wavell to Amery Tel. 204-S.C.	13	Refers to Nos. 596 and 597; agrees to draft in No. 597; is issuing to Press his final statement to Conference and not separate Press note	1239
600	Wavell to Amery Tel. 205-S.C.	13	Refers to No. 599; sends text of his statement to Conference	1239
601	Azad to Wavell Letter	13	Refers to No. 572; explains why he considers Conference and himself should be told Wavell's selection of Executive Councillors	1241
602	Wavell to Azad Letter	13	Refers to No. 601; will make his position clear in statement to Conference; no importance should be attached to rumours of his selections	1242
603	Minutes of Final Meeting of Simla Conference	14	Full record of Meeting	1243
604	Wavell to Amery Tel. 212-S.C.	14	Reports proceedings of final Meeting of Simla Conference on 14 July	1247
605	Amery to Wavell Tel. 15821	14	H.M.G. wishes to record their appreciation of his conduct of Simla negotiations	1248
606	Amery to Wavell Tel. 413	14	Congratulates him on wisdom and generosity of statement in No. 600	1249
607	Note by Wavell	14	Interview with Nehru on 14 July	1249
608	Wavell to Gandhi Letter	14	Thanks him for coming to Simla; hopes the effort may not have been entirely wasted	1249
609	Jenkins to Liaqat Ali Khan Letter	14	Wavell agrees to Jinnah publishing Nos. 573, 579, 580 and 585	1250
610	Azad to Wavell Letter	14	Congress Working Committee wishes to make known its attitude and policy at Simla Conference and publish relevant correspondence	1250
611	Wavell to Amery Tel. 40-S.G.T.	15	Is deeply grateful for No. 605	1251
612	Wavell to Amery Tel. 216-S.C.	15	Thanks for No. 606; but fears there is little sign of change of heart	1251
613	Wavell to Azad Letter	15	Refers to No. 610; does not think he can depart from decision that Simla proceedings should be confidential	1252
614	Azad to Wavell Letter	15	Lists steps Congress considers it necessary for G. of I. to take to remove obstacles to their co-operation	1252
615	Gandhi to Wavell Letter	15	Thanks for No. 608; reflections on failure of Simla Conference; Chowdhury case	1254
616	Rajagopalachari to Wavell Letter	15	Expresses his grief at failure of Simla Conference; outlines his suggestions for political moves	1255
618	Wavell to Amery Letter	15	Encloses report on Simla Conference	1258

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619	Amery to Wavell Tel. 15958	16	Asks for his comments on *Times'* report that Viceroy had given Azad certain assurances as a condition of his participation in Simla Conference	1264
620	Amery to Wavell Tel. 15959	16	Sends extract from *Times'* report referred to in No. 619	1265
621	Wavell to Amery Letter 27, paras. 1–4, 6, 10	16	Refers to No. 583; Viceroy's interview with Nehru (No. 607); forthcoming Governors' Conference; future of existing Executive Council; Sa'adulla's position in Assam; Fazlul Huq; Viceroy's conversation with Khan Sahib; Khizar's role at Simla Conference; proposed appointment of U.K. High Commissioner	1265
622	Mudie to Jenkins Letter	16–17	Encloses note on Muslim League's and Congress' attitudes at Simla Conference	1269
623	Wavell to Amery Tel. 1154-S	18	Refers to No. 619; correct version of events is given in Nos. 537 and 540; explains why he considers it wisest to remain silent at present	1270
624	Cabinet Paper C.P. (45) 84	18	Memorandum by Amery on Azad's statements to Press appending extract from Confidential Note 2 of Simla Conference	1271
625	Cabinet C.M. (45) 15th Conclusions Minute 6	18	Consideration of No. 624	1272
626	Amery to Wavell Tel. 16194	19	Cabinet accepts his view in No. 623, para. 2 but suggests he now sends Conference delegates confidentially the record of proceedings	1274
627	Wavell to King George VI Letter (extract)	19	Account of Simla Conference	1275
628	Amery to Wavell Letter, paras. 1–5	19	Cabinet's consideration of Azad's statements (No. 625); Amery's discussion with Mudaliar on future of existing Executive Council; publicity for existing G. of I.; role of private enterprise and big business in India; future constitutional policy	1280
629	Wavell to Amery Tel. 1179-S	20	Refers to No. 626; explains why he does not favour circulation of confidential record of Conference	1283
630	Note by Military Intelligence No. 10005/194/G.S.I.(b)	20	Impressions of Indian Army Officer in close contact with all ranks of I.N.A. in Rangoon	1284
631	Wavell to Amery Letter 28, paras. 1–7, 10, 16–20	22–4	Refers to Nos. 592, 598 and 628; reactions to failure of Simla Conference; constitutional future; appointment of U.K. High Commissioner; question of circulating Simla Conference proceedings;	1285

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631 (*cont.*)			standing of present Executive Council; question of starting government newspapers; Grigg's views about Indian politics	
632	Churchill to Wavell Tel. 419 via India Office	24	Hopes Wavell will consult him before any steps are taken to discuss proposals for constitutional change arising at Governors' Conference	1291
634	Cunningham to Wavell Report 10	24	Provincial reactions to outcome of Simla Conference	1293
635	Cabinet C.M. (45) 17th Conclusions Minute 2	24	Consideration of No. 629	1294
636	Amery to Wavell Tel. 420	25	Thinks No. 632 does not preclude him from discussing constitutional suggestions at Governors' Conference	1295
637	Wavell to Churchill Tel. 1209-S via India Office	25	Refers to No. 632; explains purpose of Governors' Conference; will inform S. of S. of Governors' views and of any action he recommends	1295
638	Notes by Jenkins (extract) and Wavell	25	Talk with Mirza Ismail on Simla Conference	1296
639	Jenkins to Mudie Letter	28	Wavell wishes advice on future action towards S. C. Bose	1297
640	Amery to Wavell Letter	28	Reflections on leaving Office	1298
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CHAPTER 5

The Indian States

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71	Amery to Wavell Letter	26	Refers to No. 634 in Vol. IV; desirability of considering early pronouncement giving States, particularly smaller ones, clear indication of British conception of their future; methods of grouping small States or linking them with larger units	143
72	Amery to Wavell Letter, para. 15	26	No. 71 and problem of small States	151

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93	Wavell to Amery Letter, para. 6	8	Acknowledges No. 71	184
98	Political Dept. (India) to S. of S. Express Letter D. 4116–P/44	14	Encloses draft letter to Chancellor of Chamber of Princes conveying Crown Representative's observations on matters raised by Princes' deputation at meeting of 15/16 September	199
109	Wavell to Amery Letter, para. 12	23	Nizam of Hyderabad's aspirations	225
112	Griffin to Bhopal Letter F. 6 (43)–I.A./44	26	Conveys request from Wavell not to move resolution in forthcoming session of Chamber of Princes on subject of Crown's relationship with States	235
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118	Amery to Wavell Tel. 27133	29	Refers to No. 98 and concurs in draft letter to Chancellor of Chamber of Princes subject to certain amendments	246
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130	Wavell to Amery Tel. 2215-S	4	Refers to No. 118; informs him of resignations from Chamber of Princes, postponement of Chamber Session and substance of reply to No. 127	264
131	Wavell to Amery Tel. 2217-S	4	Refers to No. 130; informs him of immediate background to resignations; and assesses position	265
132	Wavell to Bhopal Letter	4	Thanks for No. 127; is glad resignations do not affect signatories' attitude to war	267
134	Wavell to Amery Letter, para. 5	5	Resignations from Chamber of Princes	268
136	Amery to Wavell Tel. 27706	6	Refers to Nos. 130 and 131; believes signatories may be staking future claim for compulsory judicial determination of disputes with British India	274
141	Wavell to Amery Tel. 222-S.C.	7	Refers to No. 131; indicates Princes mainly responsible for resignations; and reports interview with Bhopal	283
143	War Cabinet Paper W.P. (44) 708	7	Memorandum by Amery on Resignation of the Chancellor and Members of the Standing Committee of the Chamber of Princes	285
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157	Maqbool Mahmud to Griffin Letter	21	Encloses circular letter to all Members and Representative Members of Chamber of Princes explaining history of events leading to resignations of office-holders and reporting resolutions passed at representative meeting of Princes on 4 December	320
165	Wavell to Amery Letter, para. 2	27	Latest position on Princes' resignations	335
166	Amery to Wavell Letter	28	Replies to No. 117 on future of small States; asks for Wylie to be sent home to explain Wavell's ideas	338
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182	Amery to Wavell Letter, paras. 8–9, 15	4	Refers to No. 156, paras. 6 and 7; important Dalal should visit larger States; Wavell's visit to Hyderabad; importance of suggested all-India reconstruction council from States' point of view	360
217	Hyderabad to Wylie Letter M.O.A.K./Nizam VII	20	Views on constitutional situation, Indian States, and Indian officering of Army	426
220	Wavell to Amery Tel. 153-P	21	Discusses next move on Chamber of Princes question and, subject to concurrence of S. of S., proposes to send letter to senior Princes	435
221	Wavell to Amery Tel. 154-P	21	Refers to No. 220; and sends text of draft letter to senior Princes	437
227	Wavell to Amery Letter 3, para. 7	23	Refers to Nos. 166 and 182, para. 8; move in Chamber crisis; suggested visit of Wylie to London; post-war development in States	445
241	Amery to Wavell Tel. 2508	31	Refers to No. 220; questions whether move is necessary or whether its success would be advantageous; but feels draft in No. 221 is admirably worded	492
244	Amery to Wavell Letter	31	Amplifies views in No. 241	497
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246	War Cabinet India Committee Paper I (45) 22	1	Memorandum by Amery annexing (I) memorandum prepared in 1943 on possible content of treaty between U.K. and India and (II) note on British responsibilities to Princes	500

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250	Amery to Wavell Tel. 86	3	Asks for assessment of probable States' reactions to Desai proposals	524
251	Wylie to Hyderabad Letter	3	Thanks for No. 217; finds his suggestion of separate conference with senior Princes interesting	524
253	Wavell to Amery Letter 5, para. 14	5	Viceroy's visit to Mysore	527
255	Bhopal to Wavell Letter	9	Asks him to convene Session of Chamber of Princes postponed previous Dec. and to instruct its Secretary to hold bye-elections for vacant offices	532
258	Wavell to Amery Tel. 64-S.C.	10	Refers to No. 250; explains why he does not favour consulting Princes	540
259	Wavell to Amery Letter 6, para. 17	11	Political Advisership; statement of Princes' Special Committee	540
267	Wavell to Amery Tel. 345-P.V.	17	Refers to No. 241; informs him of gist of No. 255 and of his reply (No. 269); is not proceeding with plan in Nos. 220 and 221	558
269	Wavell to Bhopal Letter 681/2	17	Thanks for No. 255; feels bye-elections to Chamber are not needed if Office-holders withdraw resignations	560
272	Amery to Wavell Tel. 4038	20	Agrees plan in No. 267 is good tactics but questions whether it is constitutionally plausible	577
275	Wavell to Amery Letter 7, paras. 2, 8, 19	21	Political Advisership; Bhopal's letter (No. 255) and Wavell's reply (No. 269); Viceroy's visit to Mysore, Travancore and Cochin	585
288	Bhopal to Wavell Letter	26	Refers to No. 269; further explains Princes' actions; believes resignations would be withdrawn if assurance given that No. 112 and Enclosure to No. 98 do not debar further discussions and Wavell is prepared to meet Princes	618
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291	Amery to Wavell Letter, paras. 13, 17	1	P.Qs on Chamber crisis; Viceroy's visit to Mysore, Travancore and Cochin	632
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301	Wavell to Bhopal Letter 681/2	7	Thanks for No. 288; can be no question of bargain on lines suggested; still feels it best for resignations to be withdrawn	665
308	Note by Gibson	undated	Future of Crown Representative's office	675
310	Wavell to Amery Letter 10, paras. 7, 16	13	Rampur's attitude to Chamber crisis; appointment of Corfield as Political Adviser	679
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409	Colville to Amery Letter 15, para. 4	24	States and industrialisation	947
415	Clauson to Corfield Letter	26	Encloses note of discussion on 19 April between Amery, Wavell, Corfield and others on Future of Small States	969
430	Colville to Amery Letter 16, para. 4	30	Grant of Sanads to rulers of Small States	996
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499	Wavell to Hyderabad, Kashmir, Mysore, Gwalior, Travancore and Bhopal Letter 592/9/II	9	Informs them of forthcoming constitutional move	1112
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538	Wavell to Amery Letter 24, para. 4	25	Viceroy's interview with Bhopal and Bhopal's request for R.A.F. transport to U.K.; Enclosure II: Note of Conversation between Wavell and Bhopal on 20 June	1157
539	Wavell to Bhopal Letter 681/2	25	Assures him Enclosure to No. 98 was not intended to end discussion and negotiation; offers to meet Princes	1161
546	Bhopal to Wavell Letter	28	Intends to place report of his discussion with Wavell and No. 539 before Princes in July	1172
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275	Wavell to Amery Letter 7, paras. 9–10	21	Sind Govt.'s claim for export surcharge on rice; Casey's fears on jute acreage	585
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I

Note by Sir E. Jenkins

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 43–7

INFORMAL DISCUSSION OF POLITICAL SITUATION ON LAST DAY OF GOVERNORS' CONFERENCE—31ST AUGUST 1944

THE VICEROY said that the political situation had been discussed briefly at the November Conference. Since November, the war had moved fast. Germany might be beaten this year, and Japan six months later.

On a short-term view we were still "sitting pretty". As far as he knew there was no likelihood of serious political trouble during the war in any Province. His Majesty's Government were obviously not anxious to think about the Indian problem during the war. They were preoccupied with their vast undertakings elsewhere, and had little time for India. They would, of course, have to turn their attention to India, in the economic sphere at least, as the war moved eastwards, for India could not be an efficient base without increased supplies of food and consumers' goods. But it would remain true that His Majesty's Government would prefer to keep clear of Indian politics. He would like to know whether Governors agreed that they could hold the situation in their Provinces until the end of the war with Japan.

The long-term view was less comfortable. As soon as the war with Japan ended His Majesty's Government's cheque would be presented and would have to be honoured. The Defence of India Rules would lapse, and there would be no justification for keeping the detenus in prison. General Elections in the Provinces and at the Centre would be unavoidable. There would be an unsettling atmosphere of victory, with the Civil Services tired and weak, and the British troops thinking only of demobilization. The British soldier did not like India, and thought little of the British in India and less still of the Indians. Soldiers returning to the U.K.—and perhaps others with war-time experience of India—would favour our leaving India altogether, and might influence public opinion at home. There would be large numbers of demobilized Indian soldiers some of them discontented, and a strong Indian Army, still under arms and perhaps open to political influence.

Throughout the last war Egypt had remained quiet; but there was a flare-up as soon as the war ended. The same sort of flare-up was likely to occur in India after this war. His Majesty's Government had never understood the Egyptian

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problem, and paid no attention to it until the trouble began. They did not understand and were not attending to the Indian problem today.

We must assume that the war with Japan might end in the second half of 1945. By the end of next year, therefore, we might be faced with demobilization, the dispersal of labour from war industry, and the winding up of large war establishments employing many thousands of clerks. Discontent was inevitable, and we could expect little relief from our present economic strains—high prices and inflation and general inconvenience. If the political prisoners were released embittered by their long confinement they would have dangerous material ready to their hand. It would be wise to provide educated Indians with some outlet for their administrative and political energy. India would be full of problems, and there would be external questions such as the Peace Conference and negotiations on Trade and Monetary agreements. If we could get Indian leaders into the Central Government, and interested in working out the new constitution and Treaty, and at the same time could get popular Ministries back into office in the Section 93 Provinces, there would be the outlet required.

Unfortunately the prospects were not favourable. Since his release Gandhi had been very active, but had apparently not budged from his original position. He wanted power handed to Congress on a plate, and would accept nothing less. Whether his approach to Jinnah would lead to anything was most doubtful. So far it seemed that the partition formula had merely caused apprehension to the followers of both leaders.

The 1935 Act had given India every opportunity of constitutional advance. If it had been worked everywhere as in the Punjab—with Coalition Governments cutting across the communities—India might now be ready for self-government. Pakistan was the creation of Congress, for it was the refusal to establish Coalition Governments in the Provinces that alarmed the Muslims and drove them to extremes. It was conceivable that Gandhi and Jinnah might reach an understanding, but it seemed unlikely that they would do so.

On the long-term problem there were now two possibilities:—

(*a*) to sit back and await events; *or*
(*b*) to make a positive move at some appropriate time—perhaps when the war with Germany ended.

He had indicated the dangers of the first course; he was equally conscious of the difficulties of the second. He might, if His Majesty's Government agreed, send for Gandhi, Jinnah, and other selected leaders as soon as Germany was beaten, and say frankly to them that His Majesty's Government wanted an early solution of the Indian problem, and would welcome a transitional Government at the Centre, and the restoration of popular Ministries in the Section 93 Provinces. It would be up to the leaders to try to come to terms, but he feared Gandhi would simply repeat his demand for a National Government,

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and Jinnah insist on Pakistan. He doubted if any negotiations with Gandhi were possible.

He would like Governors to answer the following questions:—

(1) On the short-term view, do they expect serious political troubles before the end of the war?

(2) On the long-term view, should we sit back and await events, or attempt a positive move, and if so when and of what kind?

(3) Do the Governors of the Section 93 Provinces:—

(*a*) See any prospects of forming Ministries;

(*b*) See any advantage in summoning their Legislatures in Section 93 conditions?

He must make it clear that there were three essential principles which Governors must not forget—*first*, that the first duty of a Government is to govern and that there must be no sacrifice of law and order; *secondly*, that no opportunity must be lost to encourage Indians to take responsibility and its consequences; and, *thirdly*, that in all the activities of Government members of the different communities must be required to work together as a team.

2. All Governors except those of Bihar and Bengal said that they thought there would be no serious political trouble in their Provinces during the war. The Governor of Bihar said that agitation and disturbances might easily recur. The Governor of Bengal said that communal feeling in Eastern Bengal was such that serious trouble might break out at any time, and that British troops must be available to deal with it and to protect the British residents.

3. On the Viceroy's third question:—

(*a*) only the GOVERNOR OF BIHAR saw any prospect of forming a Ministry; he thought that if he intervened himself some moderate Congressmen and Liberals might be prepared to take part, though he could not be sure.

(*b*) No Governor of a Section 93 Province favoured the summoning of his Legislature in Section 93 conditions. The view taken was that the Legislatures, shorn of their powers and without direct guidance from Government, would be an intolerable nuisance, and would be used mainly for irresponsible attacks on the bureaucratic régime.

THE GOVERNOR OF MADRAS said he would like to have non-official as well as official Advisers. He thought they would be a valuable link with public opinion, and he could find capable people ready to serve.

THE GOVERNOR OF BIHAR agreed, but said that although he could find a good Hindu adviser he would have some difficulty in finding a Muslim.

THE OTHER GOVERNORS of the Section 93 Provinces were not in favour of the Madras suggestion. THE GOVERNOR OF BOMBAY said he could find

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non-official Advisers, but Bombay was politically advanced, and public opinion would be suspicious. People were hoping for a restoration of popular Government, though he knew of no effective move to form a Ministry. THE GOVERNOR OF THE UNITED PROVINCES said that with most Hindu politicians in the Congress, and members of the Muslim League debarred from serving, he could not find non-officials who would be of any real use. He was not opposed to the idea in principle, but could not adopt it in present conditions. THE GOVERNOR OF THE CENTRAL PROVINCES said he thought non-official Advisers would have no effect on public opinion. IN REPLY TO THE VICEROY, he added that given the end of the war next year the period for which non-official Advisers would be appointed would be so short that they would be able to do little, and the value of the arrangement from the point of view of giving new men experience would be small. THE GOVERNOR OF ORISSA said that the recent disappearance of his Ministry had been welcomed by public opinion, and that the appointment of non-official Advisers would at present be most unpopular.

4. ON THE VICEROY'S second question, all Governors were emphatically of opinion that failing earlier agreement between the Indian parties a positive move must be made before the end of the war with Japan. It was agreed that the end of the war with Germany would be a favourable moment for the move.

THE GOVERNORS OF MADRAS AND BOMBAY appeared to accept the suggestion that the Viceroy might send for the leaders and try to guide them into a solution on the lines of the Cripps offer.

THE GOVERNOR OF BENGAL said he thought Anglo-American relations the most important factor in post-war stability. British Imperialism in general, and the Indian problem in particular, were serious obstacles to Anglo-American understanding, and we must remove once and for all the impression that we were using the communal problem as an excuse for denying freedom to India. He thought Pakistan impracticable and ridiculous, but if the Muslims insisted they must have it. He deprecated the use of terms such as "Dominion Status". What India would get was not Dominion Status, but Self-Government within the Empire, her theoretical sovereignty being restricted by a treaty covering matters such as Defence and the protection of British commercial interests. He recommended that His Majesty's Government—

(*i*) announce not only their willingness but their determination to get out;
(*ii*) publish a time-schedule of the stages by which they will get out;
(*iii*) release the detenus;
(*iv*) hold general elections;
(*v*) form a Constituent Assembly, which would be told to draft a Constitution and negotiate the connected Treaty. The Constitution might provide for a Unitary State, or for secession on the Cripps model, or for Pakistan.

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THE GOVERNOR OF THE UNITED PROVINCES said he saw no advantage in a transitional Government. He thought the move should take the form of a "Round Table Conference" called by the Viceroy, with outside help. He thought advisers from the Dominions should certainly take part, and American advice might be valuable. The Conference should try to work out the constitution.

THE GOVERNOR OF THE PUNJAB said he regarded Pakistan as the most dangerous development that had occurred since the British connection began. If it were adopted there would be violent disturbances and possibly civil war. Our main aim should be to divert the Muslims from Pakistan in its crude form. He favoured a "Round Table Conference" when Germany had been beaten, and would bring in the Dominions. He urged that in any new constitution special representation for soldiers should be provided for.

THE GOVERNOR OF THE CENTRAL PROVINCES said he was not in favour of a transitional Government, nor did he think that a "Round Table Conference" or talks with the leaders would do any good. When Germany was out of the war we should at once hold General Elections, and make it clear that immediately after them we proposed to set up a Constituent Assembly on the Cripps model. This would put the responsibility squarely on the Electorate, and the Constituent Assembly would be a body with which business could be done.

THE GOVERNOR OF BIHAR thought a small Committee should be appointed to work out the new constitution.

THE GOVERNOR OF THE NORTH-WEST FRONTIER PROVINCE said he was convinced that the main communal problem could be solved only by the Hindus and Muslims themselves, and meetings between the Viceroy and the leaders would do no good. He thought what most Indians of his acquaintance wanted was independence of Whitehall. He was not clear on the form the move should take, though he was convinced that a move should be made.

THE GOVERNOR OF SIND said that Sind was outside the main current of political thought in India. Jinnah would throw over the Sind Muslims, and Gandhi the Sind Hindus if it suited them to do so. The newspapers in Sind took all their opinions at second-hand. He could only say that a move must be made to break the growing conviction that His Majesty's Government did not mean business.

THE GOVERNOR OF ORISSA said that he could at the moment see no opening for work on the new Constitution. He thought we should lose no time in getting our ideas about the Treaty clear. If we could tell the leaders what the Treaty must contain, it would be a real step forward.

THE GOVERNOR OF ASSAM said that the examination of the Treaty terms was most necessary. They would have to cover Defence, safeguards for the

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Minorities, and commercial relations, among other things. He thought the move to be made when Germany was defeated should take the form of a small Parliamentary Mission. Such a mission need have no terms of reference. Its aim should be to try to bring the Indian parties together. He added that almost every move made by His Majesty's Government in Indian affairs during the last 25 years had been too late.

5. All Governors said that there was very general mistrust of His Majesty's Government and our political intentions, and that this extended to Indian officials. THE GOVERNOR OF BIHAR had noticed an increasing hostility to the British and to officials generally.

6. THE VICEROY did not sum up at length, but said he would consider this discussion, and that if any decisions were taken about the appointment of non-official Advisers Governors would be informed.

E. M. JENKINS,—1.9.44.

2

The Earl of Halifax to Mr Eden

Telegram, L/P&S/12/4629: f 179

IMPORTANT WASHINGTON, *3 September 1944, 4.30 am*
EN CLAIR *Received: 3 September, 5.45 pm*

4750. My telegram No. 4699.[1]
Following is text of message on United Press ticker this afternoon.

Begins Senator Chandler released purported text of a cable[2] from British official in India declaring former ambassador William Phillips "persona non grata" and stating that "we could not again receive him" should he be sent back to India. Chandler, who made a senate speech on Wednesday denouncing "British interference in American diplomatic affairs", released the cable in reply to charges by the British Ambassador the Earl of Halifax that persons in responsible quarters "had made assertions" which are quite untrue. The cable released by Chandler was signed by Sir Olaf Caroe of the Department of External Affairs in New Delhi India and was sent to the Secretary of State for India in London. It termed Phillips persona non grata and revealed that the British have used the censorship in an effort to block re-publication of the Pearson article in India. No date was on the cable as released by Chandler. We have stopped this particular message from coming into the country the cable said and are doing our best to prevent entry of newspapers or letters carrying the text of the Pearson article. It is regrettable to have to use censorship in defence of such attacks by our greatest ally. We understand the designation of Phillips is still the President's personal representative in India. Whether or not

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he was connected in any way with the leakage, the views he has stated would make it impossible for us to do other than regard him as persona non grata, and we could not again receive him. His views are not what we are entitled to expect from a professedly friendly envoy. Viceroy has seen this telegram.

See my immediate following telegram.[3]

Repeated to Foreign New Delhi No. 498.

[1] In this tel. Lord Halifax reported that, at a press conference held on 31 August 1944, he had denied that H.M.G. had ever represented that Mr Phillips was *persona non grata* or requested his withdrawal; and stated that they had never challenged the right of a U.S. representative to report freely to the President or the U.S. Government, adding that it was 'regrettable that assertions should be made which are quite untrue' and 'unfortunate for statements to be made in responsible quarters without steps being taken to verify facts'. L/P&S/12/4629. See also Vol. IV, No. 661.

[2] Cf. Vol. IV, No. 661.

[3] In this tel. Lord Halifax reported that he had pointed out to the State Department that Senator Chandler must plainly have obtained the Government of India's telegram by improper means, and had demanded that Chandler should be publicly condemned by Mr Hull himself. L/P&S/12/4629.

3

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&S/12/4629: f 169

IMMEDIATE — SIMLA, *4 September 1944, 2.33 pm*

TOP SECRET — *Received: 4 September, 1.30 pm*

2–S.C. Guard. Senator Chandler's disclosures. Leakage of our official telegram 10729[1] dated August 16th at least puts cards fairly on the table in so far as Government of India attitude to Phillips is concerned. But you will note significant point that (according to Reuter's message received here) Chandler's version omits passage in telegram which drew attention to unworthy sneers at Indian Army, the main ground on which exception is to be taken to Phillips' views. This development makes it the more necessary that attitude of His Majesty's Government and United States Government should be clarified.

2. As soon as matter reached American Congressional level we had to withdraw censorship stoppage, with result that press is full of tendentious comment, which we are not in position to correct without authoritative statement at high-level.[2]

3. Leakage is of course most serious matter, and presume you will inform us at once of result of enquiries being made in Washington.

[1] Vol. IV, No. 661.

[2] Mr Amery replied in tel. 19745 of 5 September that Lord Halifax had continued to press for an authoritative statement; that in view of the publication of the G. of I.'s telegram instructions were being sent him to renew his representations; and that it was necessary to remember that the main object of this agitation was to make trouble generally for the presidential campaign for which India was always a useful topic. L/P&S/12/4629.

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4

Note by Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 47–9

5 September 1944

P.S.V.

We have to decide what, if anything, we are going to do as a result of the discussion of the political situation at the Governors' Conference.[1] We have two matters to decide, the short-term one of any alteration in the present system in the Section 93 Provinces, and the long-term one of a renewed offer of self-government at some early date.

2. I see no good reason against Madras enlisting non-official Advisers if the Governor considers that this would be feasible and would command a measure of popular support. Bombay and the United Provinces would, I gather, prefer to await the result of the move in Madras. I think it is obvious that no move in Orissa is possible at present; and Twynam does not consider it would be of any use in the Central Provinces. There remains Bihar, in which the Governor is in favour of non-official Advisers, and even thinks that he could obtain a Ministry; I have less confidence in his judgment, and am not sure whether he should be encouraged to try for a Ministry. Bihar is probably in a worse state of security and administration than the other Section 93 Provinces, and I fancy a Ministry, even if one could be obtained, would be premature; and I rather doubt about non-official Advisers.

3. On the long-term policy, all Governors were strongly in favour of some attempt at a settlement being made before the war with Japan ends, and considered that the end of the war in the West would probably be the appropriate moment. I agree, as you know.

4. There was some difference of opinion as to the method. Some favoured the proposal which I put forward, that the Viceroy should call together leaders, put before them the situation, and make an offer something on the following lines:—

(*a*) That they should participate in a transitional Government at the Centre under the present constitution; I think it should be a condition that the composition of the Government should be such that the Hindus would not have a majority over the remainder. It seems to me that in a Council of, say, 15, including the Viceroy and the Commander-in-Chief, the composition might be six Hindus, four Mohammedans, one Depressed Classes, one Sikh, and one British (Home Member). It might be possible

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in view of my special qualifications and military knowledge to omit the Commander-in-Chief from the Executive Council, but I doubt whether this would be advisable, or acceptable to His Majesty's Government.

The formation of a transitional Government at the Centre would, of course, have to be accompanied by the restoration of constitutional government in the Section 93 Provinces, with coalition governments if possible.

(*b*) That during the transitional period at least, there should be no question of either the division of India; or of Hindu domination at any time.

(*c*) That India should be represented at the Peace Conference by a delegation from the provisional Executive Council.

(*d*) That the Executive Council, once formed, should appoint a body to carry out preliminary investigation of a constitution; or should indicate the method by which such a body should be formed. (I am a bit doubtful about this, but I think that we should try by some means or other to get the constitutional problem under discussion by a representative body of Indians as early as possible.)

5. Other Governors seemed to suggest that an Election should be held, and a body should be formed, as in the Cripps offer, to consider the constitution. I am not much enamoured of this suggestion myself. Others suggested that representatives of the Dominions might be called in to assist in the settlement. I am not sure that one did not even suggest enlisting American help. I am not in favour of such ideas.

6. If any move is to be attempted and offer made, it should, I think, be backed up by a very definite statement by His Majesty's Government that we mean genuinely to give India self-government as soon as the difficulties can be overcome. I think there should also be a statement recognising the value of the war effort of India, promising that the matter of sterling balances will be sympathetically settled, and that there is no intention of repudiating our debt to India; and that Indian requirements in the matter of food, shipping, and machinery for industrial development, etc., would receive the most sympathetic consideration. It might have a good psychological effect if India was put under the Dominions Office during the transitional period, instead of the India Office.

7. If we decide out here to recommend to His Majesty's Government that some such approach should be made, I think we must take action at once. I presume that the first step would be to submit our ideas primarily to the Secretary of State and ascertain what sort of reception such a proposal would be likely to have in the War Cabinet. If the prospects looked at all favourable,

[1] No. 1.

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it might be necessary for me to fly home and discuss them with the War Cabinet. The position of the Princes must of course be considered.

The above is only a very rough idea, which we might discuss when you have formed your ideas on it.

W.

5

Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET VICEROY'S CAMP, SIMLA, *5 September 1944*

Many thanks for your letter of 23rd August.[1] The war is certainly moving at a great pace, and we shall soon be faced with new problems here; first, an increased strain on our resources, and then demobilization and everything that goes—or doesn't go—with it. I took the opportunity on the last day of the Governors' Conference of discussing quite informally the political problem, and the desirability or otherwise of attempting to force a solution of some kind before the end of the war with Japan.[2] All the Governors except Casey and Rutherford were agreed that political disturbances during the war were unlikely. Rutherford said that it would be comparatively easy for the Congress to make trouble again in Bihar where there is still a good deal of political crime. Casey was apprehensive about the communal situation in eastern Bengal, and thought there might be a flare up at any time. On a long-term view, all the Governors were unanimous in saying that we could not afford to let things drift until the war with Japan ended, and that if the main Parties reach no agreement in the meantime, some active move must be made by His Majesty's Government, preferably when the war with Germany ends. We cannot hold the Congress Working Committee and other political prisoners in detention after Japan is beaten, and there will be plenty of explosive material in the country, with the demobilization of the Indian Army, the dispersal of labour from war factories, and the winding up of large war establishments employing many thousands of clerks. If trouble is to be avoided we must find some outlet for the administrative and political energy of the Indian Parties, including the Congress and the Muslim League, and this can be done only by active steps to get the political problem solved. The Governors were less certain about the measures to be taken. Some favoured what would amount to a simple revival of the Cripps offer. An attempt would be made by me to form a Transitional Government in which Leaders of the Political parties would take office, to restore Provincial Autonomy where it is now in abeyance, and to set up some form of Constituent Assembly to begin discussion of the Constitutional Settlement. Other Governors thought

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that a Conference between Political Leaders and myself would do no good, and that the main communal issue must be settled by the Political Leaders without British intervention. Some of them favoured General Elections to the Provincial Legislatures, followed by the setting up of a Constituent Assembly on the Cripps model, while others suggested that we should proceed to draft the Treaty that must accompany any new Constitution. I will give you my considered views shortly. In the meantime it is interesting that the three Presidency Governors with their outside political experience, and the eight Service Governors, should be so certain that we cannot let things slide.

The Conference was, I think, a success, and I shall send you a copy of the proceedings as soon as they are in print. The political discussion was "off the record", and is not included in the proceedings. The meeting has aroused the wrath of the Congress Press, who accuse me of trying to establish a dictatorship on military lines, and to rule India directly through the Governors, instead of by constitutional methods.

I was confirmed in my previous impression that the Governors as a whole are a live and businesslike lot. Rutherford is undoubtedly the weakest and the woolliest, and I am not very happy about Bihar under him. Next to Bengal, its condition gives me most anxiety, and I doubt whether Rutherford has the drive and energy to put things right. Dow is about the most incisive of them all in debate, he got off quite a good thing when he said he could always get a stable Ministry in Sind—of the Augean stable type.

2. The Gandhi-Jinnah meeting has been announced for 9th September. It may or may not take place then, and I suppose that when it does take place, it may easily last for several days. My Staff suggested that your absence in Italy might be inconvenient, but I have found that if one alters a plan because something may happen to interrupt it, the decision is usually wrong, and I declined to suggest any alteration in your plans. I have telegraphed to let you know that the meeting is on the 9th. If anything comes of it, I shall probably need some days for consideration before telegraphing to you, and it is quite possible that there will be no important result at all. Personally, I think the only likely result is a demand by Gandhi to consult the Working Committee or A.-I.C.C.

3. The sensation of the week has been the attack by Senator Chandler[3] and Representative Johnson[4] in the U.S.A., on His Majesty's Government and the State Department, about the alleged recall of Phillips. The Congress newspapers are naturally delighted, and now that the publication of Phillips' Report to the President has been followed by the disclosure[5] of our telegram, in which the

[1] Vol. IV, No. 672. [2] No. 1. [3] See Vol. IV, No. 675.

[4] Representative Calvin D. Johnson had introduced a resolution into the House of Representatives demanding that both Sir G. Bajpai and Sir R. Campbell be declared *persona non grata* on the ground that they had endeavoured to influence the views of the United States press regarding India.

[5] See No. 2.

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words *persona non grata* were used, we must expect excited comment for some days. I do not know if there is an Official Secrets Act in the United States, but it seems extraordinary that secret documents, both American and British, can be published with impunity. Proceedings in the American Legislature are no doubt privileged, but the text of the documents has apparently been telegraphed all over the world. Halifax will no doubt have an enquiry made into the disclosure of our telegram. It must, I think, have got out at the American end—presumably from the Embassy or Bajpai's Office. Our American critics do not seem to realise that our attitude to Phillips is not due to the fact that he held certain opinions or reported them to the President, but to the publication of them. It does not matter whether he was concerned in their publication or not; the point is that once his opinions, particularly his libels on the Indian Army, were known here, he could hardly hold a diplomatic post in India.

The incident illustrates the difficulties of inward censorship, to which you refer in paragraph 10 of your letter. We attempted to suppress the Drew Pearson article which started the trouble, and the relatively unimportant comment on it. When the matter was taken up in the House of Representatives and was clearly going to blow up into a first-class row the stop had to be removed. It is not possible to maintain an inward censorship which involves the suppression of large numbers of reputable newspapers.

4. I am sorry to hear that Puckle and Hennessy think our outward censorship is still having a bad effect on American opinion. I thought the measures recently taken to liberalize it had put things right, and I doubt if there is any real cause for complaint now. I shall no doubt see the memorandum on the subject when it arrives.

5. There is no change in the food situation. I have had your telegrams and a letter[6] explaining the position, and hope you may be able to get a decision before long. People in this country, both Indian and British, will find it odd if His Majesty's Government give priority to the Balkans when an Empire country is in need.

I was aware of the storage difficulties to which you refer in paragraph 6 of your letter, and this was one of the subjects discussed with the Governors. According to the Food Department, we can handle imports reasonably well. The difficulty is mainly with up-country storage, and I have no doubt that there has been a good deal of inefficiency in some Provinces. The Governors seemed reasonably satisfied, but I thought some of them were not sufficiently alive to the urgency of the matter, and I think they will look into it more closely now they are back in their Provinces. I trust that "semi-private" letters from Dr. Coyne will not be treated by your Colleagues as an excuse for refusing our demands. Coyne is at the moment working in the Food Department, and if he holds strong views they ought to be considered and commented on here. The

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system of private "pipe-lines" is common enough among the Americans, but we seem so far to have avoided it, and I hope we are not going to go in for it now. The short point is, of course, that for reasons which you know very well and your colleagues ought to know, this is not an efficient country. We cannot reproduce home standards of administration, and in any large undertaking there will be inefficiency, waste and corruption. But that does not alter the fact that some hundreds of thousands of people died of hunger in India last year, and that the moral and constitutional responsibility for this disaster rests largely on His Majesty's Government. It is their business to see that the disaster is not repeated. I think and hope you will find that French will report that we are doing our best, with some success, in the very complicated and difficult business of food procurement and distribution in India.

[Para. 6, on army welfare problem; para. 7, on proposals for the post-graduate training of Indian doctors in the U.K.; para. 8, on Professor Hill's formal report on Scientific Research in India; para. 9, on Machkund dispute between Orissa and Madras; para. 10, on war allowances for the civil services; and para. 11, on the extension of the jurisdiction of the Federal Court, omitted.]

12. I have just written to you about an extension for Twynam when his term as Governor of the Central Provinces expires in the autumn of 1945. I should not ordinarily have referred this until some time next year, but Twynam wants leave in the spring, and if he is to come back, will have to know well before he goes. It is not easy to choose between the policy of extending Governors who are fit and efficient, and that of letting them go in the ordinary course so as to keep promotion open. On the whole, I feel that we are so short of good men that we cannot afford to lose our better Governors while they are willing to carry on.

[Para. 13, enquiring whether Mr Amery intended to appoint a successor to Sir J. Woodhead as one of his Advisers; and para. 14, on rubber tappers for Ceylon, omitted.]

15. I came up to Simla on the 2nd September, and expect to be here until the 14th. I have no tour fixed for October until the 28th when I hope to visit Baluchistan, the N.-W.F.P., and the Punjab, returning to New Delhi about 10th November.

I have to meet a deputation of the Princes on September 15th and 16th, to hear their anxieties and grievances.

[6] These informed Lord Wavell of difficulties that had arisen over the food shipments to India recommended by the Chiefs of Staff: see Vol. IV, No. 676, paras 1–3.

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6

Note by Sir E. Jenkins[1]

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 49–51

6 September 1944

(1) Our aim is to draft and bring into operation a new constitution and treaty between India and His Majesty's Government.

(2) We can achieve this aim only if we can establish a representative body of Indians capable of making a constitutional settlement which the country will accept, and of negotiating with His Majesty's Government.

(3) Our immediate policy—as soon as we decide to move—must therefore be directed to the establishment of such a body.

(4) Assuming that the Parties fail to reach agreement among themselves, there are two possible lines of advance open—

(*a*) to hold General Elections in the Provinces, and to try to form a Constituent Assembly on the Cripps model; *or*

(*b*) to try to get the Parties working together in a responsible and constructive way.

(5) The first of these alternatives must be rejected. Without some reconciliation between the Parties, General Elections would be a communal dog-fight, the Provincial Governments would not be coalitions, and the Constituent Assembly would either never meet at all or, if it met, disintegrate in chaos and futility.

(6) The second alternative is difficult, but rational. The only common meeting ground for the Parties is the Central Government, and if they could be got to co-operate there the other pieces of the puzzle might be made to fit.

(7) The first difficulty would be the composition of the Conference which the Governor-General would have to call in order to form a transitional Government. It should I think consist of the Governor-General, Gandhi (Hindus), Jinnah (Muslims), Ambedkar (Depressed Classes), Tara Singh (Sikhs), and His Highness the Chancellor of the Chamber of Princes.

(8) Secondly, the Conference would ask what the transitional Government would have to do. The answer might be—

(*i*) to carry on the Government of British India until the new constitution and treaty come into force;
(It would be necessary to explain that the existing constitution would continue, and that the Governor-General is there to see fair play. There

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is not much in the idea of putting India under the Dominions Office—as long as one of His Majesty's Secretaries of State exercises superintendence, direction and control.)

(*ii*) to appoint the British Indian representatives to the Peace Conference and other international conferences;

(*iii*) to propose to His Majesty's Government the composition of the Constituent Assembly or other body which will draft the Constitution and negotiate the Treaty;

(His Majesty's Government must be brought in here, because unless they accept the body as representative they may reasonably refuse to negotiate with it. It is here also that the Princes come in. It will probably be wise to deal with British India only in the first instance, and if this is decided the Princes will cease to be interested.)

(9) Thirdly, the Conference would have to discuss the composition of the transitional Government. There are now 16 Members including the Governor-General and the Commander-in-Chief. In the absence of agreement between the Parties it would probably be necessary to work for six Hindus, six Muslims, one Depressed Class Representative and one Sikh. It would be necessary for the Governor-General to agree to accept the party nominees, or to recommend names from lists provided by the Parties. The appointments would have to be made by the King.

(10) The Conference would in addition have to consider the best means of getting popular Government going again in a temperate atmosphere. Those attending would have to undertake to use their influence with their respective parties to have the General Elections both at the Centre and in the Provinces conducted without communal bitterness, and to promote Coalition Ministries to hold office during the transitional period.

(11) If the Conference agreed to the formation of a transitional Government, the programme would be—

(*a*) Formation of the transitional Government;
(*b*) General Elections at the Centre and in the Provinces;
(*c*) Constitution and Treaty making.

(12) His Majesty's Government will object to paragraph (8) (*iii*). The War Cabinet are opposed to what would amount to a very real transfer of power at the Centre without previous agreement between the Parties as to the method of making the new Constitution.[2] Their opposition is not justified, as they were prepared during the Cripps negotiations to accept something like the transitional Government now proposed without any guarantees at all.

[1] See No. 4. [2] See e.g. Vol. IV, No. 120.

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(13) A point to be settled is our treatment of political prisoners. With some exceptions, they cannot be kept in custody after the war with Japan ends. They would have to be released if a transitional Government took office before the end of the war with Japan. It may, and probably will, be politic to release them before the Conference.

(14) Assuming that His Majesty's Government accept the plan, the best way of announcing it might be a short and very simple broadcast by the Governor-General. It would be best to avoid a catalogue of grievances to be redressed, and give details of the plan in the simplest possible language.

(15) It will be necessary to move quickly, and a letter to the Secretary of State might go as soon as we know what progress Gandhi and Jinnah are making.

E. M. JENKINS

7

Mr Abell to Sir F. Mudie

Wavell Papers. Official Correspondence: India, October 1943–December 1944, p. 338

SECRET *6 September 1944*

No. 125/35.

My dear Sir Francis,

His Excellency has recorded the following note:—

> "Supposing Gandhi and Jinnah say that they have arrived at a provisional settlement of the communal problem, but that it must be submitted to the A.-I.C.C. and Muslim League for ratification, what is our answer as regards the A.-I.C.C., or Working Committee, to allow Gandhi to see the Working Committee in Ahmednagar?".

2. Jenkins comments that everything will probably depend on the nature of the "settlement". If it appeared to be *bona fide* an interview with the Working Committee would probably have to be allowed.

3. His Excellency would be grateful for your advice.

Yours sincerely,

G. E. B. ABELL

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8

Sir F. Mudie to Mr Abell

Wavell Papers. Official Correspondence: India, October 1943–December 1944, pp. 338–40

NEW DELHI, *7 September 1944*

My dear Abell,

Your secret d.-o. No. 125/35,[1] dated 6th September 1944. The question of what we should do about the Working Committee and the All-India Congress Committee, should Gandhi and Jinnah come to an agreement, is one to which I have given a lot of thought. But it is difficult to find a satisfactory answer. I think that Gandhi's main object is to get the Congress Working Committee out and that he may go a long way to get Jinnah on his side—hoping probably to double-cross him afterwards—in order to get Jinnah to back him up in this. Gandhi has never called off civil disobedience in principle and I feel that he wants to get the Working Committee out as a first step to starting some sort of civil disobedience. He has begun talking about "wresting power". Though Gandhi's immediate objective is the release of the Working Committee he would, if successful in that, at once press for the release of the All-India Congress Committee on the ground that this is the only body whose decisions can bind the Congress. The strength of the All-India Congress Committee is over 350 and we do not know how many are still in jail (I am finding this out). It was only the Working Committee that were detained by order of the Government of India; the other members of the All-India Congress Committee were left to Provinces to arrest or not on their merits. Most of them were arrested but a fair number must have been let out. Many of them are violent and irresponsible and a wholesale jail delivery of those members of the All-India Congress Committee who are still in jail would be very dangerous.

2. What Gandhi would probably like most would be to get the Muslims to join him in a civil disobedience movement. At the end of last war the Muslims joined the Congress over the Khilafat question. There is no Khilafat now. The only corresponding problem is that of the Jews in Palestine. I do not know anything about the details of this question but, if this has not been done already, the importance of not giving way to American pressure on this point, if it exists, should be put strongly to His Majesty's Government. Apart from this, if the Muslims were to get it into their heads that it was the British Government and the British Government only that stood between them and Pakistan then they would probably be prepared to join a civil disobedience movement and Gandhi would probably be clever enough to get the Hindus (the Congress)

[1] No. 7.

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also to support it. Such a movement would be very dangerous even though the Working Committee and All-India Congress Committee were still in jail.

3. These seem to me to be the general considerations on which we must base our policy. I agree with Jenkins that a good deal depends on the nature of the "settlement". But if Jinnah is behind it with a fair body of Muslim support, there is a danger of bringing about a combined Hindu-Muslim Civil Disobedience movement, the possibility of which is suggested in the previous paragraph. We have taken all along two points (1) the prosecution of the war, and (2) the discharging of our obligations to minorities, etc. We are on very strong ground as regards (1). If the settlement were to interfere with the prosecution of the war, clearly and obviously, we should refuse to let it go any further. I don't see what else we could do. Too much is at stake and we owe too much to a great many people—Burmese, Indians (in Burma), Malays, British, Dutch, Americans, etc. One difficulty that arises in this connection is the alleged or real—it does not much matter which—difference between Cripps' view of the possibility of splitting up the administration into war and non-war departments and that taken by His Excellency in his last letter to Gandhi.[2] I have no doubt myself that Congressmen in the Executive Council would do nothing whatever to forward the war. Even if not pacificists, they are complete "isolationists" and care nothing for any country outside their own. Gandhi's offer[3] of full collaboration subject to India's paying nothing proves it. It would, therefore, be quite impossible to have a divided Government, relying on the goodwill of the party representatives. But, from the propaganda point of view, which is important, in refusing this we are up against what Cripps is alleged to have said and, to some extent, what Cripps actually did. I attach a note[4] which I wrote some time ago on the newspaper criticisms of His Excellency's last letter to Gandhi. Paragraphs 5 and 6 deal with this point. Still at all costs we must retain the position taken up by His Excellency and refuse to let any settlement based on the abolition of His Excellency's overriding powers go any further. Subject to this we would, I think, have to let Gandhi consult the Working Committee on any proposals to which he and Jinnah had agreed. But I do not think that we should let the Working Committee or the All-India Congress Committee out unless they promised to call off civil disobedience as a means of enforcing their will either on Government or on the Muslims or on any other minority. If we stress the latter part of this condition we would be on good ground.

4. My conclusions, therefore are that—

(1) we should refuse to allow Gandhi to consult the Working Committee and All-India Congress Committee on any proposal that imperilled the prosecution of the war, e.g., by removing His Excellency's overriding powers over any portion of the administration;

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(2) otherwise we should not refuse to allow him to consult Working Committee. We cannot easily prevent him consulting those members of All-India Congress Committee who are not in jail;

(3) we should refuse to release members of Working Committee or All-India Congress Committee until civil disobedience is called off as a method of warfare either against Government or against minorities. The question of release could not, I think, be pressed till agreement had gone fairly far. We have time to think about it and see how things develop.

Yours sincerely,
R. F. MUDIE

[2] Vol. IV, No. 659. [3] Vol. IV, No. 614.

[4] Not printed; paras. 5 and 6 dealt with the criticism that Lord Wavell had 'said that "I must make it quite clear that until the war is over responsibility for defence and military operations cannot be divided from the other responsibilities of Government, and that until hostilities cease and the new constitution is in operation His Majesty's Government and the Governor-General must retain their responsibility over the entire field" ', while Cripps was 'said to have contemplated the division of the Government, the Commander-in-Chief and the Viceroy being responsible for running the war and the Indian Members of Council for the rest of the administration.' Wavell Papers. Official Correspondence: India, October 1943–December 1944, p. 342.

9

Note by Sir F. Mudie[1]

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 51–5

TOP SECRET *9 September 1944*

BRITISH INDIA

To start with as a simplification I ignore the States.

I agree that the sooner we take some action that will convince everybody that we mean the Cripps offer the better. It is absolutely essential that this be done before discussions about peace start. We managed to keep the Irish problem out of the peace discussions at the end of the last war: if the present deadlock continues we could not possibly keep the Indian question out of the peace discussions at the end of this one. The whole Empire position might be prejudiced if we were still in the present deadlock. From the internal point of view too we want something that will absorb the psychological reaction that the end of the war will bring in this country.

[1] Sir F. Mudie had been given copies of Nos. 4 and 6 (see No. 12) and had evidently been asked for his views.

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2. Drawing up a constitution for India will be a complicated and prolonged business and there is little hope of its being completed before the war ends. To meet the situation which will confront us both at home and abroad when the war ends all we can hope for therefore is to set up before then some sort of Indian or National Government at the Centre. According to the Cripps offer the interim Government and the constitution-making body are quite separate: the treaty is to be "negotiated between His Majesty's Government and the constitution-making body" and His Majesty's Government "undertake to accept and implement forthwith the constitution so framed" (which will presumably include the treaty). After the constitution, including the treaty, has been framed the interim Government will be replaced by a Government formed under that constitution. But if this scheme is to work there must clearly be very close liaison between the constitution-making body and the interim Government. The change from the old Government to the new would be easier the less the change in personnel involved. Also unless the members of Government are in a position to influence the "constitution-making body" the conclusions of that body are likely to be wild and irresponsible. The ideal would be to have the constitution and the treaty drawn up by a Committee consisting of the members of Government, and, if necessary, a few other persons co-opted by them and then to have them ratified by some sort of elected body. If we could get a Government in power now whose business it was not only to govern but to draft a constitution and a treaty which would be ultimately ratified by some democratic body, then we would have gone a long way. Whether that body should be elected by the method suggested in the Cripps offer or by some other method is a question that would come later and would be for the Government to decide. In fact the members of the Government would be, in the words of the Cripps offer, the "leaders of Indian opinion in the principal communities" who in clause (*d*) of that offer are given the right to agree "upon some other form" of constitution-making body. If such a scheme is to succeed then the persons who are to form the interim Government must have sufficient influence to carry the elected ratifying body with them.

3. I have assumed only one "constitution-making body", i.e. I have ignored Pakistan, Azad Punjab, Dravidistan, etc. But even if we have more than one constitution-making body, we can have only one interim Government and the question whether we should have more than one constitution-making body would be for the Government to decide when it has under consideration the constitution of the "constitution-making" (ratifying) body.

4. In my view therefore—

(1) We should not hold elections and set up the Cripps "constitution-making body" now. We'd only get a collection of irresponsible talkers. If, of course, we are unable to set up a Government of the

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kind contemplated we would be bound, under the Cripps offer, to attempt to set up a "constitution-making body" as set forth in that offer "immediately upon the cessation of hostilities". But we should not do this now.

(2) Our immediate objectives should be the formation of an interim Government which would be willing to accept office under the present constitution and would be capable—

(*a*) of representing British India at the Peace Conference, and

(*b*) of drafting a constitution and a treaty and of getting it passed by some sort of elected constituent Assembly (or Assemblies) that they would set up either on the Cripps or on some other model. I do not think His Majesty's Government could object to this. They cannot really ask for a prior agreement: all they can ask for is a prior agreement to agree.

(3) We should certainly not bring in the Dominions. The Dominions will be interested and if India is to become a Dominion they will all want to have their say. But it is for His Majesty's Government to consult them, if necessary, when things are taking shape. They need not be in at the start. To bring America in seems to me to be unthinkable.

5. If we could get sufficient agreement among the leaders of the main political parties to enable such a Government to be formed, it should be possible to form Ministerial Governments in the Provinces. But this is a thing that cannot be forced. If people commanding a majority in the Provincial Legislatures are prepared to take office then constitutionally they have the right to take office. If these people are not prepared to take office then there is no alternative to Section 93. Presumably any agreement about the composition of the Central Government would have to include agreements about coalitions in the Provinces. If so, Section 93 would automatically go.

6. Our policy should be directed to the setting up of the kind of interim Government contemplated above. But the present uncertainties are so great that it is difficult at the moment to say exactly what the next step should be. I think, however, that it would be preferable, before His Excellency summoned a conference which included representatives of the Depressed Classes, Sikhs, etc., to send first for Gandhi and Jinnah together. This would be a better follow up to their Bombay talks and a recognition of the fact that these are the two people who really count. It would also prevent us being accused, in the event of Gandhi and Jinnah coming to an agreement, of bringing in others with the object of creating difficulties. It is also possible that one might play and the other might not. Whether this would be possible and if so, what line His

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Excellency's discussions with the two leaders would take depends on what happens in Bombay. There are the following three possibilities:—

(1) Gandhi and Jinnah come to a settlement within the constitution;
(2) they come to a settlement outside the present constitution; and
(3) they fail to come to a settlement.

If (1) happens His Excellency should send for them both to discuss the next step. When they came he could explain the kind of Government that he had in mind and obtain their views. He should also ask for their views as to the composition of the larger conference that he intended calling. I think it would be as well to hold this conference even though the main outlines of the new Government might have been agreed on with Gandhi and Jinnah. It should, I think, include a representative of the Hindu Mahasabha: otherwise we might give offence to all those Hindus, in the Army and outside it, who have supported Government during the war. An Indian Christian representative might also be included. A Sikh and a representative of the Depressed Classes should, of course, be included.

If (3) happens, i.e., if Gandhi and Jinnah fail to agree then it would probably be best in this case too for His Excellency to send for them together, explain his ideas and try to get them to agree. If they did then the procedure would be as in case (1). But it is possible that their disagreement might be so violent as to make such a course impossible. Case (2) is the most difficult of all cases. His Excellency has already refused to discuss with Gandhi proposals that went outside the constitution and so there would appear to be little point in his discussing such proposals with Gandhi and Jinnah jointly. But there might appear to be a hope that they might be persuaded to work under the present constitution. If so, it would be worth while His Excellency's seeing them. As regards what will actually happen between these two in Bombay one man's guess appears to be as good as another's. It is important, however, that if things take a turn favourable to our general policy we should be in a position to act quickly. It would therefore be worth while getting His Majesty's Government's approval of the general policy of trying to set up a Government of the nature set forth above.

7. An important question that may arise fairly soon is that of the release of the Working Committee. I would be against this being done until His Excellency had seen Gandhi and Jinnah and come to the conclusion as a result of his talk with them that their release was worth the risk. An added advantage of this would be that Jinnah would not be able to say that they were released behind his back. He has always refused to support any demand for their release. In fact he considers them as much the enemies of the League as of the Government. It is just possible that Gandhi might make the release of the Working Committee a condition of his seeing His Excellency. But I think that His

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Excellency would be on strong ground in demanding to see Gandhi and Jinnah before agreeing to this.

8. There are several other points which, however, do not arise at present and on which I note only briefly—

(*a*) The composition of the interim Government. Jinnah would almost certainly insist on representation equal to that of the caste Hindus, even if he did not press for representation equal to that of all other non-officials combined. Excluding Dr. Ambedkar, Sir Jogendra Singh, Sir Ardeshir Dalal, and the Europeans, the present Council consists of 4 Hindus and 4 Muslims. Jinnah is not likely to accept less. Nor do I flatter myself that they would agree to a British Home Member. This would be going back on the Cripps offer which contemplated complete Indianization except for Viceroy and Commander-in-Chief. No objection would be taken to the Commander-in-Chief: this would hardly be consistent with Gandhi's protestations of his desire to prosecute the war. But all these points, if the scheme suggested above is accepted, would be for discussion with Gandhi and Jinnah and later at a larger conference.

(*b*) If the negotiations are successful then the announcement of the formation of the new Government should be as brief as possible and confined to essentials. It would naturally be assumed that a Government of the kind contemplated would press India's claims as strongly as possible.

(*c*) I doubt whether anything would be gained now by putting India under the Dominions Office which is as much part of the British Government as the India Office. Minorities and others who rely on the Secretary of State's promises might wonder whether these promises still hold. The Dominions too might object. A time might come, however, when this would be worth doing. In the case of Ireland the Colonial Office took over after the treaty had been signed. The constitution was drawn up later by the Provisional Government which the treaty had set up.

R. F. M.

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10

The Earl of Halifax to Mr Eden

Telegram, L/P&S/12/4629: f 118

IMMEDIATE WASHINGTON, *9 September 1944, 12.46 am*
SECRET *Received: 9 September, 9.50 am*

No. 4878. Your telegram No. 7966.[1]

I saw Mr. Hull this morning. As soon as I opened the subject, he broke in with expression of his own concern and of the efforts he had been making to get the President in some way to correct the damage. He asked me how I should judge a statement by the President, to the effect that Phillips' communication was merely a communication by a subordinate official, that its publication was improper, and in the absence of consultation with the Governments concerned was greatly to be regretted.

2. I said that this did not take us very far, and that there were four points on which you felt strongly that a definite statement was required:

(*a*) Chandler's use of telegram improperly obtained (my telegram No. 4751),[2]
(*b*) Phillips' aspersion on the Indian Army,
(*c*) his aspersion on our attitude to the Japanese war, and,
(*d*) Prime Minister's statement about the Atlantic Charter and India.

3. I repeated the request on (*a*). Mr. Hull said this was very difficult. Hardly a day passed without some Senator making some statement that might be fairly judged improper in one quarter or another, and at this juncture it was very difficult to make enemies of Senators by public reproof from Administration. Though I pressed the point, it is evident, I am afraid, that we shall get little satisfaction on this.

4. As to (*b*) (*c*) and (*d*), I said it would not seem difficult for the President to make positive statement of the right sort about (*b*) and (*c*), and that as regards (*d*), without tying himself up in difficult dialetical knots, what was required was that he should say something to the effect that, without expressing opinion about British policy in India, endorsement of Cripps' offer clearly demonstrated British sincerity on the main question.

5. Mr. Hull appeared to like this suggestion, and made a note of it, promising to speak to the President again this afternoon.

6. I am seeing the President myself tomorrow but he is much pressed, and I may not be able to do much on this with him.

[1] In tel. 7966 of 7 September Mr Eden reported a conversation between Mr Law and Mr Winant in which the former had argued that Mr Hull's statement reported in *The Times* was lukewarm and

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had done nothing to counter Phillips' accusations, and that it was very desirable that the President or some other high Administration spokesman should publicly assert that the British had fulfilled every engagement they had entered into regarding the Far East and that the U.S. had every confidence that they were going to pull their weight as they had done hitherto. L/P&S/12/4629.

[2] See No. 2, note 3.

11

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/25

IMMEDIATE *11 September 1944*
PRIVATE
SECRET

No. 201-S.C. Your telegram No. 19744 of 5th September and War Department's reply No. 7167 of 8th September.[1] Pay increases for Army and Air Force. It is monstrous that India was not consulted about these important proposals. They will have far-reaching effects here, and His Majesty's Government make things most difficult for Government of India and especially for Chief and myself by bouncing us in this way.

[1] In tel. 19744 of 5 September the Secretary of State informed the G. of I. War Department that he had just learnt that proposals for pay increases for British services were far advanced. The proposals were (i) a general increase in all theatres to personnel serving after a certain date, and (ii) a Far Eastern allowance for personnel serving in India and further East. He had protested at the lack of consultation. In their reply (tel. 7167 of 8 September, received 9 September) the War Department also protested at the failure to consult them in advance, pointing out that they had the utmost concern in the issues involved because of (*a*) the inevitable repercussions on personnel of the Indian services, (*b*) the cost which, insofar as it arose in India, would fall, under the Defence Expenditure Agreement between H.M.G. and the Government of India, almost entirely on Indian revenues, and (*c*) the resulting aggravation of inflation in India. L/Mil/7/10586.

12

Note by Sir F. Wylie

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 55–8

TOP SECRET *11 September 1944*

I have been given a copy of the attached papers[1] by the Home Member.

2. There are two stages:—

(*a*) the short-term one of any alteration in the present system at the centre and in the Section 93 Provinces;

[1] Nos. 4 and 6.

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(*b*) the long-term one of a renewed offer of self-government at some early date.

3. The Princes do not in my opinion come in on (*a*) above at all provided:—

(*a*) that the "defence" portfolio remains in British hands;

(*b*) that nothing is said or done during this first stage which would amount to selling the Princes' case in advance.

Consistent with this view I would myself be opposed:—

(*i*) to the suggestion that the Commander-in-Chief should not be a member of the interim government;

(*ii*) to the proposal that the Chancellor of the Chamber of Princes should be called along with the party leaders for the preliminary conference with His Excellency.

There are special reasons—apart from the logic of the thing—for the second of these objections, reasons which I will explain in detail at a later stage if necessary.

4. At the "short-term" stage therefore and subject to the provisos mentioned at (*a*) and (*b*) of paragraph 2 above I would keep the Princes out.

5. As I take an acute personal interest in this problem—it is what has kept me in India up till now—I trust that His Excellency will forgive me if I go off my own beat and offer some comments on the principal part of the problem as well:—

(*a*) if His Majesty's Government are going to cease to be "inert" in this matter then there is no need to pursue the question of non-official advisers. The country will not be impressed by the appointment of such advisers, the contribution they can bring to the administration is next door to nothing while if we are to get an interim government going by the time the war in Europe is over the time-factor makes the appointment of non-official advisers simply not worth while. I think that this proposal should be dropped altogether;

(*b*) I believe that an interim government on the Viceroy's proposed terms could be bought by item 4 (*c*) of His Excellency's minute almost alone;

(*c*) I do not—with respect—agree with the Home Member's remarks about Provincial Ministries in paragraph 5 of his note of 9th September 1944.[2] He forgets I think that Congress Ministries—and it is with the Congress that we are principally concerned over this particular point—are run by the Congress caucus, the famous "High Command". The establishment of an interim government at the centre will therefore in my opinion inevitably connote the termination of Section 93 régimes in the Provinces;

(*d*) the Congress will be most reluctant to accept coalitions in the Provinces even if the interim government at the centre is itself in the nature of a

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coalition. One possible suggestion—which I put myself to Mr. Rajagopalachari not long ago during a political argument which I had with him in a friend's house here in New Delhi and which he did not view unfavourably—is that in Provinces with small Muslim minorities—Muslim *minorities* are as it happens nearly everywhere small—the leader of the Muslim party in the Legislature should have the right to nominate a Muslim member to the Cabinet. This Muslim member would be required to give one undertaking only, viz., to resign when the Cabinet resigned. Otherwise if he thought that any measure which the Cabinet proposed was unfair to his community he would always have the right to resign alone. While he remained in the Cabinet he would of course be bound by the ordinary Cabinet rules about secrecy, joint responsibility, etc. This proposal may sound odd but the British Parliamentary system of Government will have to be subjected to some—in British eyes—very odd adaptations if it is ever going to work in this country;

(*e*) I would have no elections now. The leaders of the country are well known, the mass of the people is politically speaking inexpert and whatever the half dozen principal persons in the country say—certainly on the Congress side—that will go. The Congress will of course have to bear, e.g., the Hindu Mahasabha's susceptibilities in mind but that is their business and we should leave them to it;

(*f*) I agree that the interim government when it is formed should start immediately on the framing of a Constitution. When they have reached agreement—if ever—they could go to the country on it after the war is over. I see no need for an election in order to create a Constituent Assembly on the lines of the Cripps' proposals. This sort of "referendum" idea is quite unsuited to Indian conditions. The constitutional problem is also inconceivably complex—the Princes' "rights" alone might take a year to discuss—and the body contemplated in the Cripps' proposals would never get anywhere with it. I might here I think state my personal faith which is that if a satisfactory interim government was established now it might last for 20 years to come. Few things persist like the provisional. The problem is almost intolerably difficult and if we can only get a government going which appeases national sentiment in the necessary degree our grand children may still be arguing about how to improve on it. That is one reason why I think that His Excellency should intervene in this business and intervene now before all the grace goes out of it. I do not ignore the fact that for the Viceroy to move positively now may go against the strict letter of His Excellency's recent communication to Mr. Gandhi. Politics are however like that and if the goodwill of the country is secured that small fact will almost certainly pass unnoticed;

[2] No. 9.

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(*g*) I do not think that any more "pronouncements" should be made. In the nature of things these pronouncements have to be hedged round with saving clauses, etc. There have in my view been far too many such already. I think that P.S.V.'s suggestion that once an interim government has been formed His Excellency should explain the purpose of it in a brief and simple broadcast to the country is excellent;

(*h*) I do not think that there is much to be gained by transferring India's affairs to the Dominions Office. As far as my knowledge goes this proposal has had more support in the would-be intellectual left wing Press in England than it has had in India. There is a huge body of Indian experience at the India Office and if India's affairs go to the Dominions Office the men who have inherited and who in this generation hold that experience would I think have to go there too. The change-over would therefore only be nominal and would not impress India. Also provided India gets the goods I doubt if she cares very much about the actual machinery employed at the London end.

6. It may be considered presumptuous on my part to say anything about the timing of the Viceroy's intervention. Nothing can obviously be done—and it is a pity that this should be the case—till Mr. Gandhi and Mr. Jinnah either succeed or fail. In either event I personally think that His Excellency should move. If the two leaders succeed in making some kind of patched up agreement—which in the nature of things will have to be of a very general kind only—there may be some criticism that the Viceroy has intervened from fear of the country achieving complete unity or because of the Phillips' correspondence or what not. I do not think that undue attention need be paid to such criticisms. These things are very quickly forgotten especially if goodwill is created. If Mr. Gandhi and Mr. Jinnah fail the Viceroy's task will be harder but that is in a way all the more reason for the attempt to be made.

7. In any event it will be impossible to get an interim government going without releasing the Congress Working Committee and perhaps having an almost general jail delivery of political offenders. In the last I do not of course include convicted terrorists. The problem of when to release the Congress leaders will not however be a very difficult one. If and when the time comes it will be obvious that there is nothing else to do but let them out.

8. I hope that His Excellency will forgive me for that part of this note which goes beyond my official responsibilities.

F. V. WYLIE

P.S.V.

An interesting note which I am very glad to have seen.

W, 13.9.44

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13

Mr Casey (Bengal) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/151: ff 119–20

GOVERNMENT HOUSE, CALCUTTA, *11 September 1944*

7. *Communalism at Dacca.* I think you may be interested in the following paragraph from a report by the District Magistrate of Dacca, commenting on the outbreak of stabbings in Dacca in June:—

> "No Hindu or Muslim, no matter how upright, honest or public minded he may be, is to be trusted for a single moment when he is making a statement about members of the opposite community and their actions. Dacca is divided, throughout the 24 hours, into two camps, each of them feeling a deep-rooted distrust of anything said or done by the other. The vast majority would never commit any crime of violence themselves—but communalism has taken such a hold on even the wisest and soberest that they do not, for one moment, consider that a crime committed by a member of his community is anything like as bad as the same crime committed by a member of the other. This state of mind provides an atmosphere in which the youth of Dacca know for certain that, no matter what excesses they commit, they will not be given away by their own community".

I believe the above to be good comment.

* * *

9. *Pakistan.* Since the Muslim League Conference at Lahore on the 28th July, the executive of the Muslim League in Bengal have been exercising their minds on this subject. Nazimuddin told me a few days ago that he was just on the point of writing to Jinnah telling him where they stood with regard to the boundaries of North-Eastern Pakistan. They want Bengal (less the Burdwan Division), all of Assam and a part of Purnea district in Bihar contiguous with North-West Bengal. Nazimuddin tells me that they calculated that this combined area would give them a majority of 58 per cent of Muslims in place of 51 per cent if only all Bengal and all Assam were to be included. He tells me that Muslims breed faster than the Hindus, and that this 58 per cent would reach 60 per cent and more within a relatively few years. He went on to say that they believe that, once this N.-E. Pakistan was established, there would be no one more keen about it than the Hindus within its borders—and that he believed it possible that the Burdwan Division might come into N.E. Pakistan in due course. He says that the Centre has always been controlled by Bombay, Madras and the U.P., and that these Provinces have dominated Indian policy, to the disadvantage of Bengal. He says that it is this fact, together with the

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distressing intolerance towards the Muslims that the Congress Hindu Governments (in what are now the Section 93 Provinces) displayed, that has made them insistent on getting a sovereign state in N.-E. India that will be independent of the rest of India.

No doubt Clow and Rutherford will read the above with some interest and some misgivings.

14

Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET VICEROY'S CAMP, SIMLA, *12 September 1944*

Many thanks for your letter of 31st August.[1] I hope you are having an interesting trip in Italy and that nothing will happen here to interrupt it.

2. Gandhi and Jinnah began their talks on the 9th, and adjourned over the week-end without making any statement. You say that my reply to Gandhi[2] went down better than you had expected. Most sensible people here thought the substance of it reasonable but the form deplorable. If I had been allowed to make the tone rather more friendly, we should have escaped in part at least two criticisms which have been very widely made. The first is that we have dragged in the Depressed Classes and encouraged them and other vocal minorities to obstruct a settlement. This was the Prime Minister's doing, and the criticism is to some extent justified. Secondly, many people think that Cripps agreed with the Congress leaders that Defence could be isolated from the other activities of Government, and that by saying that this is not the case and that the responsibility of the Governor-General must remain over the entire field, we have modified or gone back on the Cripps offer. This criticism is mistaken. The point at issue is the authority of the Governor-General and not the distribution of work between Members of the Executive Council. What Gandhi proposed was that the authority of the Governor-General should cease except for "Military operations", and in my reply it was clearly necessary to point out that during the war you cannot have one kind of Government for civil activities and another for "Military operations", and that there must be a unitary Government in which in the last resort the Governor-General has overriding powers. I do not see that there is any inconsistency between what Cripps told the Congress leaders and my letter; but a good many people, including Mudie, have their doubts. My short point is that if my letter had been so worded as to show that His Majesty's Government really wished for a settlement, we should have been spared the legal quibbling which now fills the Congress newspapers.

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An omission which has been almost universally criticised is that of good wishes for the Gandhi-Jinnah talks; and I cannot understand why the Cabinet made such a point of leaving it out.

3. We have not heard the last of the Phillips incident, though I suppose it will shortly cease to be front-page news. The leakage of our official telegram from Bajpai's office is a very serious matter, and is particularly unfortunate when we are trying to get the Foreign Office to take Indians into their establishments in the East. . . .[3]

A day or two ago Mudie and Caroe, with support from Auchinleck, pressed me to recommend the release here of a paraphrased version of our official telegram,[4] with a statement making it clear that what we objected to was Phillips' opinion of the Indian Army and of the British attitude to the Japanese war. As the telegram seems to have been published in full in the United States, I was doubtful about publishing a paraphrased version here. I also thought that a statement might give a wrong impression, and would expose more surface without doing us any good. Our position is that Phillips, like any other Diplomatic Representative, was entitled to hold what opinions he pleased and to report them to his Principal. Once his opinions were published, his position as a Diplomatic Representative here was compromised, and this would have been so even if he had confined himself to internal politics and had not discussed the morale of the Indian Army and the British attitude to the Japanese war. His views on these subjects were, of course, the most objectionable part of his report to the President, but it would be unsafe to suggest that the publication of his views on Indian politics would not have compromised his position. Finally, the dispute seems to arise from the manœuvring of American Parties, and His Majesty's Government are as much involved in it as we are. A statement which could be interpreted as a fresh attack on Phillips might have been most embarrassing to His Majesty's Government. I therefore decided to make no recommendation, and have no doubt you will agree. Meanwhile, the Congress newspapers have had a series of field-days. One or two of the American correspondents have pointed out to their own papers that the Indian Press have not assessed the causes and the importance of the incident correctly, and are playing it up too much.

4. The food situation is still anxious, and the delay in the decision about imports is a serious matter. Clow reports that Assam will be a deficit Province next year, and many Bombay districts have suffered, like Sind, from excessive rainfall. The monsoon has been poor on the West Coast, and the Madras Government are in for a difficult time. Cochin and Travancore will need a good deal of help.

[1] Vol. IV, No. 676. [2] Vol. IV, No. 659. [3] Personal reference omitted.
[4] Vol. IV, No. 661.

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On the other hand, the Food Department seem to have dealt successfully with what might have been a serious scarcity of the Deccan States, and the Resident there reported a few days ago that the situation had been transformed by the prompt movement of foodgrains into the States which needed them most. The Assam problem will be made rather easier by the great improvement in rail and river movements both of military and of civil supplies. I suspect that this improvement is to some extent at the expense of other parts of India, for I know that the Oudh and Tirhut Railway are very short of rolling-stock owing to borrowings for Assam, and that the shortage is affecting movements in the United Provinces.

5. I am sending by this bag a copy of a note by Hutchings, the Secretary in the Food Department, on the storage problem. In peace time, storage arrangements were primitive, and the trade must have suffered considerable losses from damp and insect pests. The problem is now being systematically dealt with, and Hutchings says that he would be able to handle at the ports the quantities of wheat we have demanded. The main difficulty is that of up-country storage, and as far as I am able to judge, we shall still have to rely in the main on the old trade facilities.

[Para. 6, on civil supplies work in Bengal; para. 7, on army welfare problem; para. 8, on abuse of export regulations in Nawanagar; para. 9, on composition of Bengal Administration Enquiry Committee; para. 10, on rubber tappers for Ceylon; para. 11, on Sir P. Spens' proposal to increase the number of Judges in the Federal Court; para. 12, on Mr Clauson's next posting; para. 13, on question of Admiral Keyes giving talks to troops in India; and para. 14, on Sir R. P. Paranjpye's choice of a Secretary to his mission in Australia, omitted.]

15. Mudie has advised me that we are not in a position to ban Beverley Nichols' book.[5] It will be widely reviewed both at home and in the United States, and if long extracts appear in the *Reader's Digest*, most of it will in any case be read in this country. The Home Department have found the book amusing, and, though they agree that it will cause grave annoyance, especially to the Hindus, think that even on the merits it could hardly be banned. I have telegraphed to you asking your permission to show the book to Sultan Ahmed and to get his advice.[6] Our position will be a little delicate because, whatever Beverley Nichols may say, he was given some official facilities. We may be able to do something short of banning the book to show that we do not approve of all the opinions expressed in it, and I should like, if possible, to carry Sultan Ahmed, and perhaps the other Indian Members of Council with me in any action we may take. I had to refer to you as the advance copy of the book was sent to Jenkins for his and my private information.

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16. I have just despatched a protest reinforcing that of the War Department against the omission to consult India about the pay increases for the Army and Air Forces now proposed by the War Office.[7] Grigg must realise if your other colleagues do not, how awkward it is for the Government of India to be bounced in this way. The increases are probably necessary, but it seems to me quite monstrous that the Government of India should be committed to heavy expenditure and inflationary danger without any consultation at all. My colleagues in the Executive Council are very reasonable about these matters provided they are treated with ordinary courtesy and are kept informed of what is going on. On the other hand, if they are suddenly faced with a decision taken over the head even of the War Member, they are naturally annoyed, and apt to be mulish; and frankly I sympathise with them. I think the action of His Majesty's Government intolerable—and stupid.

[Para. 17, on the public statement on the Bombay Explosion Commission's Report, omitted.]

18. In your letter of the 10th August[8] you asked me whether I would consider giving the Agent-General in Washington supervision over all Government of India officials or official missions in the U.S.A. An agreement has now been reached between the Commerce and Supply Members and my External Affairs Department, and I send by this bag a copy of a letter to Bajpai and a copy of the instructions given to him.[9] The drafting is by no means perfect, but Caroe had to satisfy Azizul Haque and Mudaliar, and the compromise seems to give us what we want.

19. I am now, I hope, fully briefed for my meeting with the Princes on 15th and 16th September and am grateful to you for replying so promptly to my telegram on one or two points arising from the Attachment Scheme. I have had to refer to your question of the use of the word "Royal" in Indian States, with special reference to Jaipur's predilection for a "Royal Salute" on ceremonial parades.

20. Mountbatten came up to Simla for a few hours only but gave me an interesting account of his experiences at home. I gather the Prime Minister is shorter in the temper than ever and even more intractable about India. I am grateful to you and the Chiefs of Staff for your efforts about food, but India does not seem to have any other friends in the Cabinet.

21. I return to New Delhi on 14th September and shall probably not go on tour again until towards the end of October.

5 *Verdict on India* (London, Jonathan Cape, 1944).
6 Tel. 200-S.C. of 10 September. Mr Amery agreed in tel. 739 of 13 September. L/PO/10/18: ff 80–1.
7 See No. 11. 8 and 9 L/P&S/12/2636.

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15

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/4/26: f 13

IMMEDIATE NEW DELHI, *15 September 1944, 8.25 pm*
PRIVATE

1693-S. Please see War Department telegram No. 7402 dated September 1st.[1] Increased pay for forces.

2. I have already protested against the way in which we have been treated.[2] I fear that Council will take the line that if His Majesty's Government has to bribe British forces to fight in Far East they should pay the bill. From Indian point of view further concessions were not repeat not necessary. I cannot let Council feel that I refuse to back India when India has obvious and large-scale grievance. The whole problem thrust upon us at such short notice will be examined further but I may have to allow discussion in Council of proposal that His Majesty's Government should be asked to pay part at least of cost. From inflationary point of view this would not help much but would have some psychological value.

[1] This tel. (in fact dated 15 September) discussed the implementation of the increases and the need that would arise to extend them to personnel of the Indian services. The War Dept felt that while their extension to the Indian Armed Forces would now be unavoidable, these increases were not necessary to induce them to continue the war against Japan, whether by service inside or outside India itself. The Dept also emphasised the additional inflationary strain that would be put on the Indian economy and concluded that it would regard H.M.G. as responsible if the financial situation again got out of control. L/Mil/7/10586.

[2] See No. 11.

16

Mr Churchill to the Earl of Halifax (via Octagon and B.A.D. Washington)

Telegram, L/P&S/12/4629: f 109

PERSONAL AND TOP SECRET *15 September 1944, 7.47 pm*
Received: 15 September, 8.40 pm

GUNFIRE 154. Following for Lord Halifax from the Prime Minister.
Begins. 1. I have of course followed the Drew Pearson incident and I cannot think it is of the slightest importance. He has been described as the champion professional liar of the United States and really might claim to hold the world title. We must beware of a tendency to worry too much about these minor jars. In the United States there is so much free speech that one thing cancels

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out the other and the great machine crashes on. I do not propose to trouble the President on these points when everything is going so well in all directions.

2. You had better verify exactly what I said to Parliament about the applicability of the Atlantic Charter to India. The statement was made in the House immediately on my return from Argentia[1] and has been several times referred to by me. It had full cabinet authority and no derogation from it has been approved by His Majesty's Government. The President has been very good to me about India throughout these years and has respected my clearly expressed resolve not to admit external interference in our affairs. A public statement by him might only add to his burdens.

3. Many thanks for your earlier letter.[2] *Ends.*

[1] Argentia, Placentia Bay, Newfoundland, where the meeting took place between President Roosevelt and Mr Churchill at which the Atlantic Charter was drawn up. For Mr Churchill's statement see *Parl. Debs.*, 5th ser., H. of C., vol. 374, 9 September 1941, cols. 68–9.

[2] Not printed.

17

Mr Churchill to Mr Attlee and others (via Octagon and A.M.S.S.O.)

Telegram, L/PO/4/26: f 34

IMMEDIATE

17 September 1944, 7.54 pm
Received: 18 September, 12.02 am

GUNFIRE 246. Following for Deputy Prime Minister and others concerned from Prime Minister. Personal and Top Secret. Following is addendum to my GUNFIRE No. 231.[1]

1. These improvements should have the earliest possible effect.

2. I have noted the objections of the Government of India to the proposals insofar as they concern them and I understand their difficulties. The Government of India must, however, be told that the importance of the issues with which we are faced transcend their more local concerns, serious though they undoubtedly are.

[1] Dealing with non-Indian aspects of the proposals for pay increases for the forces. L/Mil/7/10586.

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18

Sir Firoz Khan Noon to Field Marshal Viscount Wavell[1]

L/P&J/8/520: f 234

PRIVATE DEFENCE MEMBER OF COUNCIL, INDIA, *19 September 1944*

Your Excellency,

In the Gandhi-Jinnah talks—if they lead to an agreement between the two—I see germs of a forthcoming rebellion which might lead to Martial Law as was the case in 1919 after the last war and the army machine guns which have fought the Germans and the Japs may be turned against the Indian crowds. This must be avoided at all costs.

The main cause of Gandhi and Jinnah coming together is a feeling of frustration which is widespread in this country—based mainly on the feeling that after the war is over H.M.G. will not create India into a dominion and will continue to exploit Hindu-Moslem differences.

On our part we are following a negative policy—doing nothing. This position must be righted and H.M.G. should take a lead in this matter to prove to the vast majority who are pro-British that Britain means well by India after the war, else the Congress and League ranks will go on swelling.

I make the following concrete suggestion. H.M.G. should make a declaration that as soon as the war is over—and if meanwhile no agreed solution of our constitutional problem has been found by the major political interests in India —H.M.G. will themselves grant to India full dominion status and a Government which will be completely Indian and which form of Government will continue to hold the field until altered with the consent of all political interests.

In this way we can satisfy the country as a whole and guarantee the continuance of stable government, perhaps selected by the Viceroy or by provincial Governments. These are matters of detail even though important.

Yours sincerely,

FIROZ NOON

[1] No reply to this letter has been found in I.O.R.

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19

Field Marshal Viscount Wavell to Mr Amery

L/P&J/8/520: ff 238–44

TOP SECRET THE VICEROY'S HOUSE, NEW DELHI, *20 September 1944*

My dear Amery,

I mentioned in a recent letter[1] that I had had an informal discussion on the political situation with the Provincial Governors at the conference at the end of August, and that they advised unanimously that some positive move should be made by H.M.G. as soon as possible.

2. I have considered this advice and discussed it with Auchinleck, Mudie, Thorne, and Wylie, who are all of the same opinion as the Governors and myself. As a result I have drawn up the enclosed memorandum which is intended for circulation to your colleagues, if you agree.

3. I attach great importance to this matter, and am prepared to visit the U.K. in person to urge my view if necessary.

4. I have kept the memorandum as short as possible, but I hope that its general purport is clear. There are obviously many points of detail which would arise as the discussions progressed. The result of the present talks between Gandhi and Jinnah may of course have considerable effect on the procedure to be adopted and on the prospects of success.

5. Paragraph 8, the composition of any conference, is obviously the chief stumbling block; I should want a free hand in this, as it would require a great deal of diplomacy to get together a body that would at once be recognised as representative, would be reasonable, and would not consist entirely of political opponents of the Government. For your private eye only at this stage, I have in mind persons like M. S. Aney, formerly a Member of Council, a friend of Gandhi and a very genuine patriot; and Firoz Khan Noon as possibilities.

6. Will you please acknowledge receipt of this memorandum by cable? I am sending another copy by ordinary bag on 22nd.

Yours,

WAVELL

Enclosure to No. 19

MEMORANDUM BY THE VICEROY

NEW DELHI, *September 1944*

India is quiet now, and can be kept quiet until the Japanese war ends, though there is much bitterness amongst political Indians, who have no confidence in

[1] No. 5.

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the intentions of H.M.G. to secure political progress. At the end of the Japanese war, we shall be faced immediately with demobilization, the dispersal of labour from war factories, and the winding up of vast war-time clerical establishments. All this will cause unemployment and discontent, since it will not be possible to divert war effort into peace-time channels at once. We can hope for no quick improvement in the food position and the other economic troubles caused by the war. Our political prisoners—with some exceptions—will have to be released, and will find explosive material ready to their hands.

2. The Civil Services have been under a great strain and many senior officials will not have been home for eight years or more. Many retirements will be inevitable at the end of the war; and however soon we restart recruitment we shall be very short of experienced officials. The Indian Army, which will be under arms in great strength for a considerable time, will consist largely of young soldiers awaiting demobilization. I have no reason whatever to doubt its loyalty, but the transition from war to peace conditions must be unsettling. The British troops will think only of getting home, and will resent intensely any delay due to internal disturbances or the fear of them.

3. I am clear that the post-war period will be one of great difficulty and even danger, unless we can beforehand provide an outlet for the political and administrative energy of the educated Indians who would otherwise range themselves against us. We can provide this outlet only if we can make real progress with the political problem. I regard the chances of success as problematical; and it may be that the British will be compelled to direct Indian affairs for a considerable time to come. But should that happen, our task will be far easier, if Indian and world opinion are satisfied that we have made a genuine and determined attempt to secure a settlement. It is also most important that H.M.G. should keep the initiative, and originate, rather than be driven into a move.

4. I asked the opinion of the eleven Provincial Governors at a Conference held at the end of August. I pointed out that we might either adhere to the present policy of insisting on agreement between the Indian parties before making any further move; *or* make some positive move ourselves before the end of the Japanese war. The Governors advised me unanimously that a positive move was essential, and that, in view of the rapidly approaching defeat of Germany, it should be made as soon as possible. I have since ascertained that the Commander-in-Chief, my Home Member, and my Political Adviser agree whole-heartedly with the Governors. This unanimity of those responsible for the civil and military administration of India is striking, and cannot be disregarded by H.M.G. I have good grounds to believe that the best and most experienced members of the I.C.S. are strongly in favour of H.M.G. making

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some fresh effort to implement their promises to India, and that their morale may be affected by continuous inaction, lending colour to accusations of bad faith, which they regard as reflecting almost on their personal honour.

5. H.M.G.'s declared aim is to bring into operation a new constitution for India and a Treaty between India and H.M.G. We can achieve this aim only if we can get together a representative body of Indians capable of making a constitutional settlement which the country will accept, and of negotiating with H.M.G. Our immediate policy must therefore be directed to the establishment of such a body.

6. I do not think there is any hope of success if we attempt to do too much at once, or to solve the problem both of British India and of the Indian States in one move. I also reject the solution put forward by some of the Governors, that we should begin by holding General Elections in the Provinces and try to set up a Constituent Assembly on the Cripps offer model. Apart from the difficulty of holding General Elections now, they would only intensify communal bitterness; and any Constituent Assembly formed as a result would be most unlikely to accomplish anything. We should also be forced to release political prisoners without any guarantee of a solution.

7. I am convinced that our object should be to form as soon as possible a transitional Government at the Centre representative of the main political parties. This Government would work within the present Constitution.[2]

Its tasks would be:—

(i) to carry on the Government of British India until the new Constitution and Treaty come into force;
(ii) to appoint the British India representatives to the Peace Conference and other International Conferences;
(iii) to consider the composition of the Constituent Assembly or other body which would draft the Constitution and negotiate the Treaty with H.M.G.; and to secure the approval of the leaders of Indian opinion in the principal communities to the composition proposed.

No explanation of (i) is needed; obviously the Government must be pledged to support of the war effort, so long as the war lasts. I believe that (ii) would be an attractive inducement to the political leaders. (iii) is proposed in the light of the Draft Declaration of March 30th 1942,[3] under the terms of which H.M.G. were bound to accept the composition of the Constituent Assembly provided

[2] [Note in original:] The only amendment in the Government of India Act 1935 that would be needed would be a small amendment of section 36(iii) of the 9th Schedule to eliminate the condition that the Executive Council must include at least three persons who have been for at least ten years in the service of the Crown in India.

[3] Vol. I, No. 456.

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it was either as proposed in the declaration itself or such as was approved by the leaders of Indian opinion in the principal communities.

The association of the transitional Government with the Constitution-making body would add to its power and prestige and so make it more attractive to political leaders.

8. In order to form such a transitional Government I should first have to talk informally with Gandhi and Jinnah. If prospects seemed encouraging, I should then try to assemble a more formal conference of the principal leaders and certain others. The selection of the members would form a difficult problem. They must include Gandhi, Jinnah, Dr. Ambedkar, and a representative of the Sikhs. I should keep the conference as small as possible, but should propose to include another Moslem, to represent the Punjab, and it might be necessary to include a representative of the Mahasabha. The actual composition would be subject to negotiation, but I am clear that the loyalist element should be represented. I should not propose to bring the Princes in at this stage, but should keep them informed of the result. I should propose to keep my present Executive Council informed throughout.

9. The composition of the transitional Government would be a matter for negotiation, but assuming the number of Memberships to remain as now, I would favour six Hindus, six Muslims, one Sikh, and one Depressed Class representative, in addition to the C.-in-C. and the Governor-General. The Home and Finance Memberships would have to be held by Indians.

10. The conference would have to consider also the best means of re-establishing popular governments in the Section 93 Provinces in a temperate atmosphere. I would endeavour to persuade those attending to use their influence with their respective Parties to postpone General Elections both at the Centre and in the Provinces until after the war, though it might be necessary to agree to war-time elections. I would also endeavour to obtain Coalition Ministries to hold office in the section 93 Provinces during the transitional period.

11. If the conference agreed to the formation of a transitional Government and were able to propose acceptable Members for it, they would be submitted by me for His Majesty's approval, through the Secretary of State, in the normal way. They would then take office. Provincial Governments in section 93 Provinces would be formed simultaneously or as soon as possible afterwards. If it were found necessary or desirable to hold elections for Central and Provincial legislatures, they would be held after the new Governments had taken office.

12. After the new Government had taken office, it would prepare and communicate to H.M.G. proposals for the establishment of the Constitution

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and Treaty making body. At this stage the Princes would have to be brought into the negotiations.

13. There are obvious difficulties and risks in this proposal. It is quite likely that it may be impossible to reach agreement on the formation of a transitional Government. The Members of the transitional Government may unite to make the Governor-General's position impossible; they may fail to agree about the composition of the Constitution and Treaty making body; or they may put forward proposals which H.M.G. cannot accept.

But I am satisfied that the ultimate risks are much greater if we take no action; and that H.M.G. should make a determined effort towards political progress in India as soon as possible. Even if we fail, we shall have made it clear that we wish to make progress. As already stated, my view has the support of all the principal and most responsible British officials serving in India. The effect on world opinion is for H.M.G. to judge.

WAVELL

20

Field Marshal Viscount Wavell to Mr Amery

L/P&J/8/623: ff 16–19

SECRET THE VICEROY'S HOUSE, NEW DELHI, *20 September 1944*

No. 125/35

My dear Leo,

Gandhi wrote a few days ago to ask what had happened to his letter of July 17th addressed to the Prime Minister. This letter was never received and we wrote and asked him to be good enough to send a copy. This he has now done, with the innuendo that we held up the previous letter. I enclose copies of the papers. Would you let the Prime Minister have the copy of the letter of July 17th? I cannot imagine anyone with Gandhi's reputation writing so stupid a letter, and I think it shows that Gandhi's mental powers are failing. I can well imagine the P.M.'s reactions, and I hope that this stupidity will not make him refuse to consider my proposals for a move.

Yours sincerely,

WAVELL

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Enclosure 1 to No. 20

Mr Gandhi to Field Marshal Viscount Wavell

AS AT SEVAGRAM
VIA WARDHA (C.P.)

CAMP, "BIRLA HOUSE", BOMBAY, *10 September 1944*

Dear Friend,
I wrote to you on 17-7-44 asking you kindly to send a letter of same date addressed to the Prime Minister. May I know whether that letter was sent as requested? I am asking because so far I have had no acknowledgment of my letter.

I am, Yours sincerely,
M. K. GANDHI

Enclosure 2 to No. 20

Sir E. Jenkins to Mr Gandhi

VICEREGAL LODGE, SIMLA, *13 September 1944*

Dear Mr. Gandhi,
His Excellency asks me to thank you for your letter of 10th September, and to let you know that your letter of 17th July was not received by him. Would you very kindly send me a copy of it, and of its enclosure, so that His Excellency may deal with it?

Yours sincerely,
E. M. JENKINS

Enclosure 3 to No. 20

Mr Gandhi to Sir E. Jenkins

"BIRLA HOUSE", MOUNT PLEASANT ROAD, MALABAR HILL,
BOMBAY, *17 September 1944*

Dear Sir Evan,
I thank you for your letter of 13th inst.

This is the first time in my experience that an important letter has miscarried. Here are the copies[1] of the missing communications. Though the psychological moment has passed, I attach very great importance to my letter which was written in answer to a deep heart searching. Therefore even at this late hour, I should like my letter to be sent to the Prime Minister.[2]

Yours sincerely,
M. K. GANDHI

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Enclosure 4 to No. 20

Mr Gandhi to Field Marshal Viscount Wavell

TRUE COPY "DILKUSHA", PANCHGANI, *17 July 1944*

Dear Friend,

I ventured to write to you yesterday[3] repeating my previous request. I feel that my effort would be incomplete unless I send the accompanying to the Prime Minister. May I seek your help, if you agree, to send the enclosed in the quickest manner possible?

I am,
Yours sincerely,
M. K. GANDHI

Enclosure 5 to No. 20

Mr Gandhi to Mr Churchill

TRUE COPY "DILKUSHA", PANCHGANI, *17 July 1944*

Dear Prime Minister,

You are reported to have the desire to crush the "naked faqir", as you are said to have described[4] me. I have been long trying to be a faqir and that naked—a more difficult task. I therefore regard the expression as a compliment, though unintended. I approach you then as such and ask you to trust and use me for the sake of your people and mine and through them those of the world.

Your sincere friend,
M. K. GANDHI

[1] i.e. enclosures 4 and 5 below.

[2] On 20 September Mr Abell wrote to inform Mr Gandhi that the copy of his letter of 17 July to the Prime Minister was being forwarded by fast air mail. Wavell Papers, Official Correspondence: India, Oct. 1943–Dec. 1944, p. 372.

[3] Presumably Vol. IV, No. 584.

[4] In a speech to the West Essex Unionist Association on 23 February 1931 Mr Churchill is reported to have said he considered it 'also alarming and also nauseating to see Mr Gandhi, a seditious Middle Temple Lawyer, now posing as a fakir of a type well known in the East, striding half-naked up the steps of the Viceregal Palace, while he is still organising and conducting a defiant campaign of civil disobedience, to parley on equal terms with the representative of the King-Emperor'.

21

Sir B. Glancy (Punjab) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/247: f 41

SECRET *20 September 1944*

No. 526

The Sikhs with the exception of the communists are still rabidly against any idea of Pakistan. Master Tara Singh has been declaring that he is convinced

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that an agreement will be reached by Jinnah and Gandhi, but these assertions may be largely due to a desire to consolidate opposition. Various proposals are being made for the establishment of some kind of a Sikh State where the community, if not actually in a majority, will be in a commanding position by holding the balance between equal numbers of Hindus and Muslims. Hindus, though for the most part strongly resentful of Mr. Gandhi's recent manoeuvres, have been less vocal than might have been expected. Apparently they prefer to leave the Sikhs to fight the battle against Pakistan, an attitude which has not led to any improvement in Hindu-Sikh relations.

22

Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI
20 September 1944

I have not had a letter since yours of August 31st[1] which I answered last week. I am sure you had an interesting and enjoyable time in Italy, and that when you get back to London you will feel refreshed by your excursion. I fear I shall be giving you something to think about almost immediately on your arrival as I am sending off a proposal on the political situation.[2]

2. There is still no real news of what is happening between Gandhi and Jinnah. The papers are taking a rather more optimistic line as the result of the length of the discussions and it is suggested that the two men must now be considering the actual constitutional details, frontiers of Pakistan, &c. During the talks both the Muslim League and the Congress are keeping fairly quiet but the Mahasabha and the Sikhs are continuing their agitation against any acceptance of Pakistan. Gandhi is clearly keen on reaching some sort of an agreement. Probably his main object is still to secure the release of the Working Committee. Jinnah may be relied upon to use Gandhi's mood to secure the acceptance of as much as possible of the Pakistan claim. Beyond that it is useless to speculate and we shall have to wait and see. I think Gandhi is still very far from being a fit man.

3. I send you by this bag a copy of a draft letter from Khizr to Grigg[3] which has been shown to me by Glancy. I think you should be warned of the line which may be taken by some of your colleagues as the result of this approach and as the result of Brayne's efforts in London, but you will I know treat the draft as confidential. I have told Glancy that the real problem is how the classes to which Khizr refers can express their views. The soldiers, quite rightly, have

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no political organisation; the rural population, quite inexcusably, have none of their own either. This is mainly the fault of the landowners and country gentlemen, the natural leaders of the people, who have never seriously attempted, except perhaps to a limited extent in some parts of the Punjab, to organise a party of their own. They have made no use of the opportunities offered by the eclipse of the Congress and as long as the Congress and the Muslim League can sweep the polls at any General Election, it is impossible for His Majesty's Government to say they do not represent the people. I added to Glancy that the real need for Khizr and his like is to organise a party to represent their views and not to expect His Majesty's Government to do everything for them. I have actually said as much to Khizr himself and to other large landowners, who have spoken to me on the same lines. We obviously cannot at this stage go back on our promises on the excuse that we must fulfil an obligation to "our friends".

4. I was very busy on September 15th and 16th receiving deputations from the Princes. You will get a detailed report officially, and I need not say much here. Bhopal led both the main deputations and the separate deputation which discussed joint services. He did his job well and was both lucid and temperate. In fact the meeting went off in a very friendly atmosphere. Few of the deputation except the Chancellor spoke at all; they sprang no surprises; they said no unfriendly word; and they put no awkward questions. Whether their written submissions will contain some more difficult points remains to be seen.

5. I have telegraphed stating Bengal's official request for Rowlands' services to preside over the Committee on Bengal Administration. I very much hope that His Majesty's Government will allow him to undertake this rather thankless task. He hopes to be able to carry out the enquiry between November 1st and the end of March, and I think the results will be all the more valuable if they are produced reasonably quickly and in not too long a report. Casey has had some difficulty in securing the men he wants for the Committee. Bourne, the Chief Secretary of the Punjab, was one of the men he wanted but Glancy could not spare him. Another was Thorne, who has, however, just lost his wife and is tired after nine years in India without home leave. I agreed that Thorne need not be pressed to serve. Now Casey is trying to get hold of Hood, the Madras Adviser, who is shortly due to retire. I have been told that Vere Hodge, the Bengal civilian, whom Casey wanted, retired as long ago as 1937 and is probably not a very good choice. I do not know whether Casey is still trying to get him. If Rowlands is allowed, as I very much hope he will be, to serve as Chairman of this Committee, he will have to fly home in about a fortnight's time for a short visit. He will take the opportunity of bringing his knowledge up-to-date about various matters relevant to the enquiry.

[1] Vol. IV, No. 676. [2] No. 19. [3] See Annex to No. 108.

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[Para. 6, on Lord Munster's forthcoming visit to enquire into the welfare of British troops in India, omitted.]

7. I shall be seeing French before this letter goes off but the interview will probably be too late for me to include any comments on it until next week. I gather that French is satisfied generally that we have done a good deal to control the food situation by our own efforts, that we are reducing consumption where this is administratively possible and that our need for imports is a genuine one. I have received your private telegram saying that there is no decision yet about wheat imports in this quarter owing to the lack of a reply from Bruce.[4] I trust you will keep up pressure in this matter which is still of such vital importance. Lately prices have tended to fall in Bengal and in the Punjab and this is partly due to a growing confidence that His Majesty's Government will give us the imports we require. Such confidence would be shaken if there was either an unsatisfactory announcement or a suspiciously long silence.

[Para. 8, on the cholera and malaria epidemics in Bihar; para. 9, on Press reactions to the publication of the Bombay Explosion Commission's Report; para. 10, on war allowances for the civil services; and para. 11, on the decision to limit to the I.C.S. and I.P. Mr Rowland's enquiry into the post-war strengths needed for the services, omitted.]

12. I had intended to raise about now the question of a successor to Raisman but I think we shall have to wait a little longer in case political developments make it more than ever clear that we must have an Indian Finance Member. This is however a matter that we shall have to take up fairly soon.

[Para. 13, on an Irrigation dispute between Sind and the Punjab; and para. 14, on leave for members of British staffs of commercial and professional firms in Burma serving with the Armed Forces, omitted.]

15. Our next Session of the National Defence Council is from October 9th till October 11th, and I have invited Colonel Sir Sher Muhammad Khan to become a member. Sher Muhammad Khan comes from the Punjab and has recently returned from the Middle East where he commanded a Punjabi battalion. He is a good type of Punjab soldier and will not only strengthen the rather weak Punjab representation on the Committee but will also be something of a spokesman for the Indian Army. Both Glancy and the Commander-in-Chief welcome this nomination.

16. My son will be flying home shortly to get an artificial hand fitted at Edinburgh or Roehampton. His wound has healed up well and he is in good heart. He has just gone off for a farewell visit to his battalion who are resting in Central India.

4 See Vol. IV, No. 676, para. 2.

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23

Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
27 September 1944

I did not expect a letter from you this week, but one may come in by the next bag. I am looking forward to an account of your Italian trip.

2. The Gandhi-Jinnah talks are dragging on and the latest rumour is that they have broken down. Gandhi is going to Wardha for his birthday to receive the fund collected in memory of his wife, and some people think that a statement about his discussion with Jinnah will be issued from Wardha. Whatever Jinnah's views may be I can hardly believe that Gandhi will be content with a colourless statement, and, if the two have really failed to agree, Gandhi will doubtless try to embarrass us if he can. I have held from the first that his main object is to see, or to procure the release of, the Working Committee, and he is likely to bring this up in some form.

3. I have replied separately to your telegram about food imports.[1] The condition that we must accept 75,000 tons of flour from Australia is embarrassing because white flour is not much used in India, and there are serious storage difficulties. The Food Department advise that they can take 48,000 tons to be shipped in the last quarter of this year, but that they cannot safely handle the balance of 27,000 tons until 1945.

I had my farewell talk with French on 20th September. He told me that while he would himself have done some things rather differently, he does not believe that any changes he could suggest in our administrative methods would give significant results. He will report fully on his arrival in London, and will support our case for imports. He showed me drafts of suggested Parliamentary Questions and Answers in which his views are set out.[2] His visit

[1] Tel. 764 of 22 September informed Lord Wavell that India must accept 75,000 tons of the 300,000 tons of wheat shipments recommended by the Chiefs of Staff for the fourth quarter of 1944 in the form of flour. Lord Wavell's reply (tel. 1759-S of 26 September) was as summarised in para. 3 above. Subsequently, in tel. 773 of 27 September, Mr Amery informed Lord Wavell that the Australian offer consisted of 151,000 tons of wheat and 75,000 tons of flour and that there was little prospect of securing substitution of wheat in grain for any part of the latter. L/E/8/3324: ff 113–15, 121, 130.

[2] On his return to the U.K., Sir H. French prepared a Report on the Indian Food Situation (circulated in War Cabinet Paper W.P. (44) 562 of 10 October) in which his views are similar to those here recounted by Lord Wavell. Appendix C to Sir H. French's Report is the draft of a Parliamentary statement to be made by Mr Amery in which H.M.G. undertakes to forward and support to the Combined Food Board 'the reasonable requirements of India, as ascertained from year to year, or, if necessary, at shorter intervals' and to do 'everything in its power to ensure that the supplies of foodgrains allocated to India . . . will be secured and transported to Indian ports'. L/E/8/3325: ff 349–56.

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has been most useful not only to the Food Department here, but to the Provinces. French will be back in London before you get this letter and will be able to explain his views in detail.

There is not much change in the food situation in the Provinces. Procurement in Bengal is going rather better than Casey expected, and he hopes to end 1944 with 250,000 tons of rice in hand which will ease, though by no means remove, his anxiety for 1945. Recent rain in Assam has slightly improved the rice crop there, and a bumper crop is expected in the part of the Imphal plain which the people were able to cultivate. In the Punjab a temporary glut of gram, and a general fall in prices has caused the Ministers some concern. Some of the deficit Provinces, having demanded quotas of the lesser foodgrains such as gram, seem unable or unwilling to use them. This causes justifiable annoyance in the surplus Provinces, and a good deal of trouble to my Food Department. One of the difficulties all over India is the conservatism of the people, who refuse to eat strange cereals. I am not sure how far the existence of large gram stocks in the Punjab is affecting prices; other factors are the good war news, favourable prospects for the *kharif*, and the expectation of good *rabi* sowings. I understand that the Punjab Government are sending their Development Minister and some officials to discuss the position with the Food Department. I hope that Chhotu Ram, the Revenue Minister, who is fanatical about prices, may be kept out of the discussion. We must expect troubles of this kind and they must be dealt with on a reasonably long-term view. (Since this paragraph was drafted I have heard that Chhotu Ram did attend, and gave a good deal of trouble. Council have authorised the Food Department to permit the free movement of gram if they think it necessary to do so, and I understand that they will now lift the control for the time being at least.)

4. I mentioned in my last letter[3] Casey's dissatisfaction with the decision of Council about war allowances for Civil Servants. Casey will, I am sure, be supported by other Governors and Council will probably have to agree to something a good deal more generous. His Majesty's Government's recent announcement about pay in the fighting services will affect the position. As I expected, the Press is already interested in this announcement, and on 26th September the *Hindustan Times* published a leading article pointing out that the increases must presumably be granted to British units serving on the Indian establishment, and to British personnel in the Indian Army. It suggested that, in view of the great disparity between the pay of the Indian and the British soldier, India's first duty was to raise the Indian soldier's pay; in the writer's opinion expenditure by India on improving conditions of service for the British cannot be justified, and the real solution was to cut out the British element in the Indian Army within the shortest possible time. The article drew the attention of the Indian Members of Council to the problem. There will

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be a lot of criticism of this sort, and I shall have to inform Council of the position as soon as my Finance Department have completed their examination of it. The effect of the pay increases announced by His Majesty's Government will be serious and there will, as I have said above, be reactions among the Civil Services.

[Para. 5, on Lord Munster's visit, omitted.]

6. I had a long talk with Spens on the 21st September about the Federal Court and the Judiciary generally. He had written proposing the appointment next year of two additional Judges, or if that proved impossible of one additional Judge. The Legislative Department advised that the state of work in the Federal Court did not justify the appointment of two additional Judges and that one additional Judge would be of very little use, as a Court of four Judges against the present strength of three would still be unable to constitute two Benches. I had had Spens informed of this opinion, and he failed to convince me that it is wrong. His other points concerned the state of criminal procedure, the conflict between the executive and the judiciary, the need for better arrangements for dealing with commercial cases, and the method of appointing High Court Judges. He covered much the same ground in his memorandum[4] of which you have a copy, and I cannot express any final opinion until I have received the views of Governors. There is obviously a good deal of sense in what Spens says, but his knowledge of India is inadequate and I doubt if he realises the practical difficulties, or the opposition that any proposals for the wholesale reform of the judiciary are likely to encounter. Lewis and Dow, whose opinions on the memorandum I have received, do not think that much can be done. The view of the average Indian politician would almost certainly be that if reform is needed it will be carried out by the Indian Government of the future, and that at this stage Royal Commissions and other full-dress enquiries would be out of place.

7. We shall I think be forced to make some formal statement about the Phillips affair. Several Adjournment Motions and Questions have been sent in for the next session of the Legislative Assembly, which begins on 1st November. The Motions can, and probably should, be disallowed, but the President has the last word about Questions and one or more of them may have to be answered. There seem to be two possible courses—to issue a statement before the Assembly meets and to refer to it in replying to any question, or to arrange for at least one question to be admitted, and to communicate a statement to the House. I shall telegraph to you about this within the next day or two.

[Para. 8, on project of a Navy League in India; and para. 9, on the second part of the Bombay Explosion Commission's Report, omitted.]

[3] Relevant para. omitted from No. 22. [4] L/P&J/8/463.

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10. There is not much political news from the Provinces. You may remember that K. B. Khuhro, one of the Sind Ministers, was suspected of complicity in the murder of Allah Bakhsh, the former Premier. His Land Agent who was also suspected, and absconded, was recently arrested and made a statement implicating him. The Inspector-General of Police informed Dow that he would have to arrest Khuhro, and Dow, after consulting the Premier, told Khuhro that his best course would be to resign. Khuhro agreed and his resignation has been announced. It will make no difference to the stability of the Ministry.

Casey has sent me a copy of the report of the Bengal Foodgrains Procurement Committee over which Braund presided. It runs into 180 printed pages and I am having it examined. The Committee seem to recommend no radical changes in the method of procurement, though they think that more agencies should be employed, and that two of them should be directly operated by Government. They also recommend a considerable increase in staff.

[Para. 11, on question of a Financial Adviser for Saudi Arabia; para. 12, conveying regrets at the death in Simla of an official lent to the Labour Department by Mr Bevin; and para. 13, on the inconvenience to Indians of the date fixed by Chatham House for the Commonwealth Relations Conference, omitted.]

28 September 1944

PS.—Gandhi and Jinnah announced yesterday evening that their talks had broken down. I am sending by this bag a copy of today's special edition of the *Hindustan Times* giving the text of the announcement, and of the letters exchanged between the two. I will try to let you have my comments by Sunday's bag.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND SECRET INDIA OFFICE, *28 September 1944*
Received: 5 October

I am afraid my trip to Italy has somewhat interrupted the ordinary sequence of my letters, and even now I have had such a rush of work these first few days that I may not be able to touch on all the matters I should like to raise.

2. I had a most strenuous but extraordinarily interesting time. About half of it was spent with the Indian Divisions at the front, and I need not say that I was immensely impressed by their fine spirit, discipline, and all I heard of

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their good behaviour. I hope next week to write a full letter to Auchinleck on the subject, of which I shall enclose a copy in my next letter to you. Meanwhile, I have taken the opportunity of a press conference[1] to belabour that muck-raking scribbler Drew Pearson and, incidentally and indirectly, Phillips and Stilwell for the mischievous nonsense they have talked about the Indian Army. The Prime Minister, too, in the statement he has just made today,[2] has also done something to put matters in a better perspective. The rest of my time was spent seeing Italian politicians, the Pope, the Prince Regent and others. I also saw something of the Mountain Warfare School which is a good show but will be much better when it is moved up to something more like real Alpine conditions.

3. General Burch went round with me most of the time and we looked into welfare conditions for the Indian troops pretty closely. He will no doubt report fully on the subject and I may have something to say about that in my letter to Auchinleck. Meanwhile, Bryddie has been very busy getting woollen comforts out for troops in Italy and I think something like 75,000 garments of different sorts have already been despatched or will be on their way in the immediate future. I cannot help feeling that Colin Jardine at the War Office end has been pretty slack and of no real help to India. Whatever the operational consequences of Quebec, some at any rate of the Indian troops will be facing a good part of the Italian winter which, in the mountains at any rate, can be very severe indeed.

[Para. 4, on Lord Munster's visit, omitted.]

5. I had hoped to have found that food arrangements for the last quarter had been definitely settled by the time I got back. However, I gather they are practically settled now and that you can be reasonably sure of at any rate 226,000 tons while there may be a possibility of getting the balance of the 300,000 tons when Australia reviews the situation in November. Meanwhile, your anxieties, though still great, would not appear to be quite as acute as they were a little while ago.

[Para. 6, on the supply of infant foods to India, omitted.]

7. I was interested in what you said in paragraph 7 of your letter of the 28th August[3] about your discussions with Caroe on the possibility of employing more Indians in diplomatic posts abroad. I think there is much to be said for the proposal that an Indian officer of the Political Service might go to Kabul as First Secretary when Connor Green leaves, and I will certainly consider it sympathetically when you put it forward officially. We should have, of course,

[1] L/P&J/8/513: ff 217–19.
[2] *Parl. Debs.*, 5th ser., H. of C., vol. 403, 28 September 1944, cols. 471–99.
[3] Vol. IV, No. 674.

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to consult the Foreign Office and I cannot say what their reactions would be, but in the case of Kabul I think that we should be able to overcome any misgivings in that quarter.

[Para. 8, on the succession to the post of Political A.D.C. to the Secretary of State, omitted.]

9. So the Jinnah-Gandhi talks have ended, as we both anticipated, in smoke. How thick the smoke will be afterwards and what the effect on Indian public opinion will be, remains to be seen. It is at any rate something that the ice has been broken by talks which, even if abortive up to date, may lead to further attempts to find a compromise. In any case, I shall be most interested to receive your further thoughts about a possible constitutional solution, which you promised in the first paragraph of your letter of September 5th.

[Para. 10, on the Miscellaneous Provisions Bill; para. 11, on rubber tappers for Ceylon; and para. 12, on obtaining Middle East food experts for Bengal, omitted.]

25

Mr Amery to Field Marshal Viscount Wavell

L/P&J/7/6787: ff 171–6

INDIA OFFICE, *28 September 1944*

My dear Wavell,

A problem which seems to need further discussion and ventilation, both in official circles and among the general public, especially in India, is that of future arrangements for the protection of the backward tribes. I enclose a copy of an interesting note by Sir J. Hubback[1] which I suggest might well serve as a basis for official discussion. I am not sure whether you might not also care to consider the possibility that it should, subject perhaps to some editing, be published in the Indian press as a means of drawing attention to this question.

2. I have discussed Hubback's note with him; and he has separately discussed it with two other of my Advisers, Sir Gilbert Wiles and Sir Frederick Sayers. Sir Kenneth Fitze has also recorded a note,[2] of which I enclose a copy, on the question in its relation to the backward areas in the States.

3. So far as the backward areas in British India are concerned, the crux of the problem seems to be that, when the time comes for further constitutional discussions, His Majesty's Government will have to face the fact of their moral obligation to do their best to ensure that in the future India special measures are taken for the protection and welfare of these tribes; while, on the other

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hand, it must be assumed that, except perhaps in the case of the Assam-Burma tract (with which this letter and Hubback's note are not concerned), the areas which were excluded or partially excluded under the 1935 Act[3] will under the new Constitution be wholly subject to the control of Indian Governments, central or provincial. In the discussion of Coupland's proposals[4] in paragraphs 31–35 of his note, Hubback effectively criticises the suggestion that a central (or regional) government would be in a better position, or more willing, to look to the interests of the aboriginal tribes than provincial governments. In these circumstances, what seems necessary is either that some extra-constitutional arrangement for the protection of the aboriginal population should be agreed and included in the treaty between the new India and His Majesty's Government, or at least that everything possible should be done in advance to bring home to the Indian public their responsibility towards these helpless people.

4. In the concluding paragraph of his note, Hubback propounds a solution on the lines of the first of these alternatives. He suggests that arrangements, to be financed by His Majesty's Government, should be embodied in the treaty, investing supervision over relations with the backward areas in a British High Commissioner with a trained staff for this purpose, though Provincial agency would also have to be utilised. Another suggestion is that—assuming that a number of the States stand out of the new constitution of what is now British India—the excluded and partially excluded areas might be administered by officers under the Crown Representative; this would find a parallel in Basutoland and Swaziland in South Africa. Either of these solutions would have to face formidable obstacles, political as well as financial. Much would depend on the atmosphere in which the treaty was negotiated; but it is not likely to be easy to induce the Indian politician to acquiesce in the continuance, and indeed extension, of British control over areas whose future had been assumed to be gradual assimilation with and absorption into the wholly administered areas of what are now British Indian provinces. Even if a scheme of the kind suggested were to be brought into operation, the presence of officers working under a British authority, whether High Commissioner or Crown Representative, would be resented by the Governments of, and the public in, the neighbouring areas. Even greater is the financial obstacle. His

[1] L/P&J/7/6787: ff 231–6. [2] *Ibid.*: ff 187–8.

[3] Under the Government of India Act 1935 (Sections 91 and 92) areas which were declared by Order in Council to be 'excluded' or 'partially excluded areas' fell within the executive authority of the Province of which they were part, but were not subject to Federal or Provincial legislation, unless the Governor of the Province, acting in his discretion (i.e. without consulting Ministers), so directed. Governors were also empowered, acting in their discretion, to make regulations for the peace and good government of these areas.

[4] Sir R. Coupland, *A Report on the Constitutional Problem in India*. Part III *The Future of India* (London, Oxford University Press, 1943), pp. 164–6.

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Majesty's Government has certainly a moral obligation to see that the backward areas receive special consideration in the constitutional settlement; but she is under no solemnly recorded obligation, such as appear in her treaties and engagements with the Indian States; and Parliament would need much persuasion to agree to the expenditure of British revenues on these areas for motives which would be almost purely philanthropic, since there would be no political or strategic advantage in view. England will be a poorer country after the war, and it is difficult to believe that the British taxpayer will readily agree to financial and administrative commitments being undertaken in an independent India for a class so numerous and so remote from their normal range of concern.

5. It is just possible, but most unlikely, that a reconstituted League of Nations might be induced to undertake certain responsibilities in regard to these areas. In this case the functions which Hubback's note suggests should be performed by officers under a British High Commissioner might be undertaken by League officials controlled directly by an organ of the League—on the lines of the Mandates Commission—specially entrusted with this branch of its activities. It must be confessed that the Mandates Commission does not provide a very exact precedent. The Commission of course exercised only a very general supervision over the administration of the Mandated territories, largely on the basis of an annual report submitted by the Mandatory Power; it was the latter who, at any rate in respect of the more backward of the territories concerned, exercised the real authority. Nor, I believe, was any of the expenditure on the administration or development of the mandated territories met from League revenues. But the great advantage of a solution on these lines would be that control by an international, as opposed to a purely British, organisation might be expected to be less unpalatable to Indian opinion; since it must be assumed that India would be a member of the international body, so that Indians could be associated with its work for the benefit of the backward areas in India—and possibly also in other countries where similar problems arise.

6. Coming to the second of the alternatives propounded at the end of paragraph 3 above, I do feel that it would be well if something could be done to bring this problem more prominently to the notice of the educated Indian public. No doubt many Indians are already fully alive to the question. I understand that some members of the Congress ministries in Bombay and Madras showed not only that they were prepared to look after the backward areas properly, but also that they were imbued with a genuinely philanthropic spirit in regard to them. On the other hand, paragraphs 25–29 of Hubback's note show that such interest as the Orissa Congress ministry displayed in the backward areas was actuated purely by political motives. At any rate, there can

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be no harm, and there may be much good, in stimulating among the Indian public a fuller realisation of their responsibility in this respect; and in posing the more altruistic elements of the community with the task of finding, as part of the future constitutional settlement, a solution of the problem which will satisfy the conscience of the world at large. How best this can be done is a question which we must leave to you; but it would of course be undesirable to let it be known that the discussion was being in any way inspired from official quarters, since this would be represented as an attempt to find reasons for limiting the scope or pace of constitutional advance in India generally.

7. What has been said above does not apply to the backward areas in the States, to which Hubback refers in his last sub-paragraph. I am sure that you will agree with him, as I do, that at least so long as the British Government remains ultimately responsible for good government in the States, active steps should be taken for the protection of backward tribes living within State territory. The reports of Political Officers in the Eastern States Agency contain frequent references to these tribes and show a keen anxiety for their welfare; and the responsibility of the Political authorities is of course the greater when, as is so frequently the case, the State in question is under minority or some other form of management. In some of the larger States, such as Mysore, the State Government may, or must, be trusted to look after its tribal population. In regard to others, Hubback's suggestion for the appointment, at the expense of His Majesty's Government, of at least one officer in each Agency where backward tribes are numerous for the express purpose of watching their interests, has obvious attractions. But, apart from the financial difficulties, such officers could hardly be effective unless they were in the closest touch with the inner workings of practically all departments of administration in the States concerned—an inquisition which the Darbars could hardly be expected to tolerate.

8. I imagine that there are some areas of hill and forest in the Eastern States whose inhabitants were up till quite recently protected from exploitation and oppression by their very remoteness from civilisation; but that the development of communications, largely as a result of the war, and the development of the mineral resources in which these States are so rich, is rapidly opening up these comparatively unknown tracts of country. Hence the gospel preached by Verrier Elwin, which is, I gather, that the backward tribes should be isolated in reservations, shut off by ring fences from the rest of India, is already becoming impracticable and may prove dangerous: to say nothing of the political morality of maintaining these people as "museum pieces".

9. As for the future of the backward areas in the States, this can only be discussed as part of the vast problem of the future of the States themselves.

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But while it is undeniable that we have a moral obligation towards the backward tribes in the States, as towards their brethren in British India, we must recognise that the difficulties, to which I have alluded above, in the way of implementing our responsibility towards the latter class, will be considerably greater in the case of the former. It would be harder to justify, not only political interference to Indian opinion, but also expenditure from British revenues to opinion in this country.

10. This letter is intended to be no more than a preliminary and tentative approach to the problem, and a reminder of the need for further discussion. In the meantime, my Office has written to the Secretaries of the Governors concerned for copies of Symington's report on the backward tribes in the Bombay Presidency and of the report of the Committee appointed in 1938 by the Congress Ministry in Orissa to study the problems of the aboriginal areas of that province. When these have been considered it may be possible to let you have some further ideas on the matters which they discuss. In particular, Symington's report should throw fresh light on the problem of the Dangs, which I am glad to see Wylie has found time recently to study on the spot.

Yours ever,

L. S. AMERY

26

Note by Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 63–4

SECRET *29 September 1944*

P.S.V.

My mind is working on the following possible action:—

(*a*) Select, say, 10 or dozen political leaders and others and cable to Governors concerned to invite them to meet me in Delhi on a given date: invitation not to be issued till I give signal.

(*b*) Broadcast or issue statement to Press to following general effect:—

(i) Leaders of Hindu and Muslim parties have failed to reach agreement on Pakistan issue; let us shelve that issue for time being and try to progress in other directions.

To precede or be simultaneous with issue of invitations.[1]

(ii) India has great problems to face and has need of co-operation of all parties. I propose we try to form Provisional Government representative of political parties with following tasks:—

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To carry on war administration.
To prepare post-war development.
To select representatives of India at Peace Conference when time comes.
To get together body to discuss constitutional problem if and when conditions considered favourable.

(iii) Provisional Government must work under present Constitution but that need not prevent it doing good work.
(iv) With a view to advising me on general political situation and possibility of forming such a Government, I have issued invitations to following to meet me.

(List of selected persons.)

(v) I should ask political leaders also to form Coalition Governments in Section 93 Provinces.
(vi) I realise this does not meet demands of Indian leaders for immediate independence and full power but it will give considerable measure of progress; and I think Indians will be well-advised to accept it.
(vii) I shall proceed with the Conference if 2/3rd of those invited accept.
(viii) If those invited refuse to meet me or discussions are abortive, present Government will carry on till end of war.

Now for possible nominees. My list would be selected from some of following:—

*Gandhi.
*Jinnah.
*Rajagopalachariar.
*Ambedkar.
*Firoz Khan Noon.
*Sikh (Tara Singh or Jogendra Singh).
*Aney.
Bhulabhai Desai or Nehru.
Mahasabha representative.
*Chhotu Ram.
*Khizr.
Nawab of Chhatari.
Nazim-ud-Din.
Ardeshir Dalal.
Zafrullah Khan.
Mookerjee.

**Certainties I think, selection from remainder.*[2]

[1] and [2] It is not clear whether these marginal notes are by Lord Wavell or Sir E. Jenkins.

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Above names have been written down rather at random, and I should want advice on choice: but general idea would be to get a collection of about 10 or a dozen recognised prominent men of reasonable views (except Gandhi and Jinnah who are not reasonable) and consult them.

Jinnah would certainly try to boycott the Conference, and prevent any Muslim League attending. He might succeed, but it would put him in an awkward position, vis-a-vis Indian and world opinion, especially if other Muslims (e.g. F[iroz] K[han] N[oon] and Khizr) attended.

My idea of, so to speak, springing it on India would be to prevent long negotiation, e.g., A saying he won't attend if B comes, &c.

I expect you will say it is not a practicable idea, but I should like you to consider this very crude outline, and tell me your views.

W.

27

Note by Sir E. Jenkins

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 64–7

SECRET *30 September 1944*

H.E.

Your Excellency's approach is, I think, the only possible one. The Memorandum of 20th September[1] was drafted on the assumption that Gandhi and Jinnah would fail to reach agreement, but would be endeavouring to present a united front of some kind. The complete breakdown of their negotiations does not make the Memorandum obsolete, but necessitates a revision of paragraph 8. It would clearly be hopeless to hold a preliminary discussion with Gandhi and Jinnah, and we must substitute for this direct pressure on educated opinion. The general plan must therefore be the issue of invitations to selected leaders to attend a conference, and a *simultaneous* broadcast calculated to make the whole country sit up.

2. *The selection of the leaders.*—The transitional government, which is our immediate aim is to act (*a*) as a post-war safety-valve, and (*b*) as a bridge to constitutional progress. For complete success it would have to include representatives of the Congress, the Muslim League, the Depressed Classes, and the Sikhs. But the time has probably now come for His Majesty's Government to make it clear that they are not going to allow one party, however powerful, to hold up progress indefinitely. If the Depressed Classes and/or the Sikhs choose to sulk it is no great matter. We can disregard them. If the Congress and the Muslim League both sulk we can get nowhere; but if one of the two will co-operate I think we should try to go ahead.

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It follows that invitations to the conference should be issued—

(i) to one or more Congress leaders;
(ii) to one or more Hindus not actively associated with the Congress, of sufficient standing to serve in the transitional government, without alienating Hindu opinion;
(iii) to one or more Muslim League Leaders;
(iv) to one or more Muslims not actively associated with the League, of sufficient standing to serve in the transitional government without alienating Muslim opinion;
(v) to one Depressed Class leader;
(vi) to one Sikh leader;
(vii) (possibly) to one or two persons specially selected.

The list might then be—

Congress.—Gandhi: Bhulabhai Desai (Parliamentary Leader).
Non-Congress Hindu.—Aney.
Muslim League.—Jinnah: Liaqat Ali Khan (Parliamentary Leader).
Non-Muslim League.—Firoz Khan Noon.
Depressed Classes.—Ambedkar.
Sikhs.—Tara Singh.
Miscellaneous.—(Nobody at present).

3. *The Broadcast.*—I would amplify as follows (it is essential that the broadcast should be in Your Excellency's own words and not a hotch-potch by the India Office, P. J. Grigg and Lord Cherwell):—

(i) His Majesty's Government are determined to implement their pledges to India, and have authorised Your Excellency to do everything possible to that end.
(ii) After the rejection of the Cripps Offer, His Majesty's Government hoped that the leaders of the Indian parties would get together and agree among themselves. Unfortunately the Leaders of the Congress and the Muslim League have failed to reach agreement on the Pakistan issue. *(Let us put that issue on one side for the time being and try to progress in other direction.)

*or
(*Let us approach that issue rather more deliberately, and try to make progress in other directions in the meantime.*)[2]

(iii) India has great problems before her which can be solved only by the best men of all parties. Your Excellency proposes to try to form a

[1] Enclosure to No. 19.
[2] It is not clear whether this marginal note is by Lord Wavell or Sir E. Jenkins.

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transitional government, representative of the main political parties, with the following tasks:—

(*a*) to carry on the Government of British India until the new constitution and treaty can be worked out. This task includes the energetic prosecution of the war against Japan, and preparations for post-war development.

(*b*) to appoint the British India representatives to the Peace Conference and other international Conferences.

(*c*) to consider, as soon as conditions are favourable, the composition of the Constituent Assembly or other body which would draft the Constitution, and negotiate the Treaty with His Majesty's Government.

(iv) The transitional Government must work under the present constitution, but that need not prevent it doing good work. Except for Your Excellency and the Commander-in-Chief, it would be entirely Indian. Your Excellency is thinking of an equal number of places for Hindus and Muslims, with one representative each of the Depressed Classes and the Sikhs. The selection of the Members of the transitional Government would be made by Your Excellency in consultation with the representatives of the political parties attending the conference, and submitted for the King's approval.

(v) With a view to advising Your Excellency on the general political situation and on the possibility of forming such a Government the following have been invited to a meeting at the Viceroy's House:—

(List of selected persons.)

The invitations to the representatives of the Congress, the Muslim League, the Depressed Classes and the Sikhs make it clear that if the persons invited are unwilling to attend their respective organisations may nominate others in their place.

(vi) If the meeting is successful, not only will a transitional Government be formed at the Centre, but the political leaders will be asked to form coalition Governments in the Section 93 Provinces.

(vii) Your Excellency realises that this does not meet the demands of some Indian Leaders for immediate independence and full power, but it seems the best bridge to real progress, and Your Excellency thinks Indians will be well advised to accept it.

(viii) His Majesty's Government cannot permit disagreement between the parties to hold up progress indefinitely, and if *either* the Congress *or* the Muslim League are prepared to co-operate the conference will be held. To enable the Congress to consider the matter fully, Your

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Excellency has ordered the release of the Working Committee. (*N.B.*—this seems inevitable.)

(ix) If both the Congress and the Muslim League stand out, or if the Conference cannot agree to the formation of a transitional Government, we can only carry on as at present until the war ends.

E. M. JENKINS

We spoke about this. Discuss with Home Member.

W.

(Home Member will have to be consulted. D.P.S.V. points out that I.O., who hate doing anything, will ask if the Governors have changed their views since the Gandhi-Jinnah split; and that it might be wise† to telegraph to Governors enquiring this. I agree.)

E. M. J.

†His Excellency says this is not necessary.

E. M. J.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/519: f 48

IMPORTANT INDIA OFFICE, *30 September 1944, 11.55 pm*

21887. Parliamentary question for Thursday 5th October asks whether I have any information to give the House as to the breakdown of the conversations between Gandhi and Jinnah and whether there is any prospect of these conversations being reopened. I might reply to the effect that I understand from press reports that the cause of the breakdown was the failure to reach agreement on the issue of Pakistan but that the hope was expressed by Jinnah and endorsed by Gandhi that this was not the final end of their effort. But I should be grateful for your comments and your appreciation of the situation generally resulting from the termination of the discussions.

29

Mr Churchill to Field Marshal Viscount Wavell (via India Office)

Telegram, L/PO/4/26: f 9

PERSONAL AND TOP SECRET *1 October 1944*

12–U. Your 1693–S.[1] Increased pay for Forces. Para 2. You say that quote I fear that Council will take the line that if His Majesty's Government has to

[1] No. 15.

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bribe British forces to fight in Far East, they should pay the bill unquote. I object strongly to the use of this word quote bribe unquote as applied to the fair remuneration of our troops and forces who, after five years of war during which they have protected India from all serious assaults, have now to go to the Far East for an indefinite period. I am sure I can rely on you to resent properly such an insulting expression if it should be used. I was myself particularly distressed at the use of such a word and I am sure the House of Commons would feel as I do on the subject.

30

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/519: f 46

IMMEDIATE NEW DELHI, *2 October 1944, 9.55 pm*
Received: 2 October, 11.30 pm

1802–S. Your telegram No. 21887[1] of October 1st. Gandhi-Jinnah talks. Reasons for breakdown appear from correspondence exchanged during talks of which copy was sent by bag of September 28th. Your proposed reply will do. I do not recommend you to attempt detailed analysis.

2. There were in fact two main differences. *First.* Jinnah adhered to "two nations" theory according to which Moslems are separate nation from Hindus though intermingled with them. He pressed acceptance by Gandhi of Moslem League's Lahore resolution of March 1940 (Coupland Volume II page 206) and made it clear that he would accept nothing less than sovereign Moslem States based on present provincial boundaries and separated by vote of Moslem residents only. He would admit no federation for defence or any other purpose and demanded "ingenuous" [regulation of?] relations between Moslem States and rest of India should be by treaty as between equal and independent powers. Gandhi denied "two nations" theory and while propounding Rajagopalachari formula[2] was clearly working for some form of self-determination for Moslems within a (? united) India. In his view right to self-determination must be by plebiscite of all residents in contiguous areas with absolute Moslem majority and not merely of Moslem residents in existing provinces regarded as mainly Moslem. *Second.* Arguing from first, Jinnah declined to co-operate in demand for transfer of power to provisional government responsible to existing legislature, and denounced August 1942 resolution of Congress and a resolution of May 1942 on unity of India as inimical to Moslem interests. On the "two nations" theory Moslems are entitled to separation before independence comes and could not tolerate interim government which would be predominantly

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Hindu. Gandhi pressed for independence first and separation of Moslems later. At late stage of correspondence he suggested agreement between Congress and the League which his provisional government would apparently implement.

3. Breakdown reveals complete absence of common ground between Gandhi and Jinnah even on broadest general principles. Gandhi wants transfer of full power to some nebulous national official [?interim] government and later settlement of Hindu–Moslem differences. His belief in unity of India is sincere but he is also profoundly Hindu, and if his interim government materialised he would hope for Hindu domination subject to some degree of self-determination for Moslem provinces. Jinnah is determined to get division of India into Pakistan and Hindustan cut and dried before the British leave. Although he has indicated roughly the boundaries of Pakistan he declines to answer questions about obvious difficulties. Discussions dealt only with British India and omitted minority problems, even those of depressed classes and Sikhs.

4. Breakdown makes settlement between the parties even more difficult than before. Public reactions are so far on party lines and in spite of protestations of friendship there is undercurrent of bitterness between Gandhi and Jinnah. Gandhi has accused Jinnah of the responsibility for premature publication of correspondence, and in a recent statement said he was suffering from "hallucination". Mahasabha, Sikhs and many Congressmen are relieved at the breakdown. But there is also much disappointment, and educated opinion may leave Gandhi and Jinnah behind.

5. I will telegraph further about effect of failure on general political situation.

[1] No. 28; the date should be 30 September. [2] See Vol. IV, Chapter 3.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 237

IMMEDIATE *3 October 1944*
PRIVATE
TOP SECRET

No. 1807–S. My letter of September 20th.[1] Political situation. Complete breakdown of Gandhi–Jinnah talks does not repeat not alter my general appreciation. But it may affect my method of approach and timing. I am considering public reaction to breakdown and will telegraph again before long. In the meantime please take no action.

[1] No. 19.

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Field Marshal Viscount Wavell to Mr Churchill (via India Office)

Telegram, L/PO/4/26: f 8

IMMEDIATE *3 October 1944*

No. 12–U. Your 12–U.[1] 1st October. Following for Prime Minister. Personal and top secret.

(1) My 1693–S[2] was private telegram not intended for any circulation. Word bribe was used loosely for brevity and was never intended to imply that such expression was likely to be used in Council. My Council has fullest respect and sympathy for British Troops.

(2) Indian Members of Council are very reasonable if treated with consideration and courtesy. But they are bound to represent Indian opinion and if India is entirely disregarded in decisions which have very serious effect on Indian economy, they must be expected to protest. They are naturally sensitive to criticism, often extremely virulent, which they have to meet from legislature. In present case they can say, with public opinion behind them, that if H.M.G. decide to raise British soldiers' pay without even consulting India on effect on her economic position or on methods by which increase can be made less onerous to India, it is for H.M.G. to meet the cost, and that any finances India can find for soldiers' pay must go to improve conditions for Indian troops.

(3) I am sorry that you should have found it necessary to send me such a telegram. I should have thought my 43 years' service and previous record would be sufficient guarantee that I could be trusted to protect the honour of the British soldier.

[1] No. 29. [2] No. 15.

33

Note by Sir M. Hallett

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 67–70

NAINI TAL, *3 October 1944*

THE PRESENT POLITICAL SITUATION

1. It is for the reasons given by His Excellency in his memorandum of September 20th[1] extremely necessary for Government to take steps without delay to try to solve the deadlock and to make a move towards the new

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constitution. This view was accepted at the Governors' Conference and the failure of the Gandhi-Jinnah talks has made it even more necessary to take action. It is useless, not to say dangerous, to take the cynical view that Indians must take action themselves and must stew in their own juice if they fail to do so. Indians are accustomed to being given a lead and in a matter such as this where there are so many divergent interests, a move to bring them together will be welcomed by the political classes in India; it will also show the world that Great Britain is in earnest about her plans for the future of India.

2. The Gandhi-Jinnah talks have made the position clearer; they have shown that neither of these leaders have abandoned any of their former ideas; Jinnah emphasizes the two-nation theory and Pakistan more strongly than before, and clearly wants this question finally decided before the British leave; Gandhi, though he camouflages his position as usual, aims at a Hindu Raj and adheres to the view that independence must come before a settlement. It is admitted by them that they were talking on parallel lines; it is possible that if other persons took part in further discussions with them, there might be some form of compromise. If these discussions failed—and failure is quite possible or almost probable—at least we should have done our best to solve the problem, and the present form of Government would have to continue.

3. There must therefore be some form of Conference, initiated by His Excellency. I agree with Sir Francis Mudie that as a first step His Excellency must see Gandhi and Jinnah. If he does not do so, what will happen? Jinnah I am quite certain will put a ban on any member of the League joining the Conference, as he did in the case of the National Defence Council in March 1941. That would mean that Muslims of no particular influence would join; if an attempt was made to get someone such as the Punjab Premier, that would provoke a split in the Muslim ranks, such as recently nearly occurred in the Punjab, and we should be charged by the majority of Muslims with deliberately causing such a split in order to defeat Pakistan. Gandhi might adopt his usual tactics and start some form of agitation or civil disobedience and would contend that the failure to bring him and Jinnah into the picture was proof positive that it was essential to oust the third party. If Gandhi was left out, it is unlikely that Rajagopalachari would come in.

Coupland Part II pages 252–3.

4. If His Excellency sees the two leaders and proposes a Conference, what line will they take? I cannot see how either of them could reject the offer; to do so would discredit them in the eyes of the world, if not in the eyes of their

[1] Enclosure to No. 19.

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own followers. It would hardly be possible for them to put the blame on to us as they would be able to do if they were left out.

5. Gandhi would no doubt ask for the release of the Working Committee, or at least some members of it. This is of course a very difficult problem. It is essential to avoid anything on the lines of the Irwin-Gandhi pact; that would not only upset the services and our supporters, but might also upset Jinnah who regards the Resolution of August 1942 as being even more anti-Muslim than anti-British. I should have no objection to the release of, say, Nehru and Azad who took the chief part in the Cripps negotiations—I should on the whole have not very much objection to the release of the Working Committee, provided it was made clear that it was solely for the purpose of the Conference and that there was no question of releasing other Congress detenus. The number of pure-Congress detenus is now not very large and practically all under detention in this Province are persons with revolutionary or terrorist connections. They certainly cannot be released.

6. As regards the terms of reference to the Conference or the terms to be mentioned to Gandhi and Jinnah, if His Excellency invites them to see him, these should be as general as possible; they should certainly not contain any direct reference to the communal problem, for that as Thorne and Mudie[2] have suggested would raise the "divide and rule" cry. To say that the object of the Conference was to discuss "the present situation in the country" would be too wide and would leave the door wide open for discussion on the whole of Government's policy, in particular our policy in economic matters. The emphasis in the terms of reference must be laid on the necessity of framing a new constitution for India. I would not go much further than that or make any reference to the preliminary steps. The Conference is of course bound to discuss what preliminary steps are necessary and the communal problem is bound to come to the front, as soon as their discussions start. It might also be desirable to refer, as Mudie has suggested, to the steps necessary to enable India to take her proper place at the Peace Conference. But that raises difficulties, and this brings me on to the further question of a provisional Government.

7. Jinnah will undoubtedly insist as he has before on a 50:50 Government: Gandhi might agree, but probably only on some condition that His Majesty's Government would regard as impossible during the war, e.g., regarding the Viceroy's power of veto. Jinnah might also object to power resting with the Central Legislature as at present constituted. If, however, Gandhi and Jinnah and others at the Conference agreed to a provisional Government, it would be impossible to resist the demand, even though it meant some loss of efficiency by bringing new men in at this stage. But it would have to be made clear that paragraph (*e*) of the draft declaration of March 1942 regarding the responsibility of His Majesty's Government still held good.

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8. As regards this Province, I still adhere to the view that no ministerial or constitutional Government is possible unless there is agreement between the League and Congress.

9. Failing agreement between the League and Congress and the establishment of a *bona fide* coalition Government at the Centre with powers as under the present constitution, I can see no advantage in making any change in the personnel of the Governor-General's Council. If the two major parties do not come in, it would consist of persons with about the same ability and influence as the present Members. We should also be once again charged with doing down our friends who had supported us and done valuable work during the last 3 years of war. If Jinnah does not get a provisional Government to his liking, he will, as I have suggested above in regard to the Conference, put a ban on Muslim Leaguers joining it. The argument that if the Members work together in the ordinary day-to-day administration, they will become more reasonable and may come to an agreement over Pakistan, only applies if representatives of the major parties come into the Council.

10. I am thus in general agreement with Mudie (*a*) that a Conference is essential, (*b*) that Gandhi and Jinnah should be approached in the first instance, (*c*) that the terms of reference should be general and should avoid in particular reference to the communal problem, (*d*) that the question of a provisional Government should await the deliberations of the Conference. I have not dealt with the numbers or personnel of the Conference. I think ten or twelve might be too small. There would have to be representatives of Congress, League, Mahasabha, Sikhs and Depressed Classes; also I think Indian Christians, Anglo-Indians and possibly Europeans should be represented apart from Liberals and Loyalists. They should elect their own Chairman and be allowed to co-opt additional members. But these are minor matters of detail.

11. I also agree with Mudie that as soon as possible after you have seen Gandhi and Jinnah you should broadcast your proposals. There should be only a very short time between your meeting with the leaders and the broadcast, so as to avoid false rumours and ill-founded criticism.

M. G. HALLETT

[2] There is no copy of a note by Sir J. Thorne, nor of one by Sir F. Mudie subsequent to that reprinted here as No. 9, in Wavell Papers, Political Series, or in I.O.R.

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Notes by Sir E. Jenkins and Field Marshal Viscount Wavell

Wavell Papers. Notes of Important Interviews, 1943–7, pp. 243–5

PRIVATE SECRETARY TO VICEROY'S TALK WITH MR. SHIVA RAO, CORRESPONDENT, *MANCHESTER GUARDIAN*, ON 3RD OCTOBER 1944

3 October 1944

I had a long talk this afternoon with Mr. Shiva Rao who, as Your Excellency knows, is a brother of Sir Rama Rao of the Bombay Port Trust, and Sir B. N. Rao, Prime Minister of Kashmir. Mr. Shiva Rao is the Correspondent of the *Manchester Guardian*. He saw me shortly before the Gandhi-Jinnah talks, and has been in Bombay during the talks. He knows Mr. Gandhi fairly well, and apparently saw him at least once in Bombay.

2. Mr. Shiva Rao said that he expected the talks to fail, and that in his opinion it was now for us to make a move. He recognised the fundamental differences between Gandhi and Jinnah, but thought the failure of the talks had exposed the futility of the alternative solutions put forward, and to that extent had done good. If we failed to make a move now, we should merely be postponing the evil day. We could not keep our political prisoners in detention after the war ended; nor could we avoid holding General Elections at the Centre and in the Provinces. As things were now, the General Elections would be fought on the main issue of Pakistan of the Jinnah variety *versus* Federation of some kind, and there would be intense bitterness. Economic conditions would not be too easy, and the whole problem might become unmanageable. He had pointed out to Gandhi that his "provisional Government" was not possible under the present Constitution, and Gandhi replied that he would be satisfied with any Government which the humblest Indians could feel really belonged to them.

3. I said it was all very well to talk of a move by His Majesty's Government, but as Mr. Gandhi wanted immediate independence and Jinnah would not hear of this, I did not see what move the British could make. I asked Mr. Shiva Rao exactly how he would proceed if he were Viceroy. He said he thought it would be useless to attempt an examination *in vacuo* of the constitutional problem or a settlement of the communal issue. He would try to get the Parties together in a provisional Government in the confidence that, once they got down to practical work, the whole political and communal atmosphere would change. Gandhi and Jinnah were overcalling their hands, and the political parties, if properly approached, would be ready to compromise. If he were Viceroy his programme would therefore be as follows:—

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(1) The Working Committee will have to be released some time. They would do no harm if they were released now and he would release them.
(2) He would make a friendly and sympathetic announcement assuring India that His Majesty's Government intended to implement their pledges as soon as India could do her part, and inviting all parties to join in a provisional government. In his opinion this would be the most vital link in the chain. If political India could be got to believe in His Majesty's Government's sincerity and in the fact that the transitional period need not be very long, the job would be done.
(3) He would follow up the announcement with a small conference. His provisional government would, if possible, consist of 5 Congressmen, 5 representatives of the Muslim League, 2 representatives of the Depressed Classes, 1 Sikh and 1 representative of industrial labour, in addition to the Governor-General and the Commander-in-Chief.
(4) If a provisional Government of this kind could be induced to take office, he would try to get the Members down to constructive work and prevail upon them to agree to appoint a small expert Committee to consider the constitutional problem in the first instance. He would insist on this committee getting out the heads of a constitutional scheme before General Elections were held. If this could be done, communal bitterness might largely disappear.
(5) He would organise a Inner War Council consisting of the Governor-General, the Commander-in-Chief, the four or five Members holding the key portfolios, the Chancellor of the Chamber of Princes and one other Prince. The Princely representatives would be present at the discussion of all matters affecting the whole of India (e.g., economic controls, etc.), and the Princely Order would gradually get used to direct collaboration with a British Indian Government.
(6) The Princes would not be brought in otherwise at this early stage though they would have to be consulted by, and possibly take part in the discussions of, the expert Committee on the constitution. The Princes should be got to understand gradually that they cannot make too much of their treaty rights.
(7) He would favour the announcement of conventions under which the Governor-General would not override his Cabinet.

No, certainly not during war
W.

(8) The National Defence Council would be reconstituted as an official body consisting of the Governor-General, Members of the Government, and Provincial Premiers. It would be essential to establish Coalition Ministries in the Provinces, though this change might be difficult in the Provinces

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not now under Section 93. There should be close contact between the Centre and the Provinces, and the Premiers should be the main link.

4. I pointed out that there were other schools of thought, and that many people believed that it would be futile to attempt any kind of Party Government at the Centre until there had been some further discussion of the constitutional problem, and in particular a settlement of the communal difficulty. Mr. Shiva Rao said that he did not favour these methods at all, and he did not think His Majesty's Government should attempt to embroider the Cripps offer or to put forward any new constitutional proposals at the present stage. I asked him what he would do if he were Viceroy and the Congress or the Muslim League declined to co-operate either when he made his appeal or later at the conference. He said he thought he would try to get on with one or other of them, though I gathered he felt he could hardly manage if both stood out. I pointed out to him that he would be running considerable risks, as his Party Leaders would be subjected to all kinds of outside pressure from which the present Members of Council were free. He said that risks would have to be taken, but that in his view, once the major Parties had joined the Central Government, the Party organisations would be most unwilling to withdraw their representatives, and that the risks might be less than I supposed.

5. I referred to Moon's book[1] and said that in subsequent correspondence with me Moon had expressed the view that we must be prepared to use force if necessary to bring about a settlement. I was told that a good many bloodthirsty Indian schoolboys held that there could be no settlement without civil war. Mr. Shiva [Rao] said that he thought his plan would work provided of course that the British and Indians were sincerely prepared to co-operate with one another. He thought the Indians could be got to co-operate. In any case it was up to the British to have a try. I said that the British were getting tired of putting up schemes and getting kicked in the pants for their trouble, and Mr. Shiva Rao agreed that there were faults on both sides.

6. I think this record may be of some interest to Your Excellency.

E. M. JENKINS

4 October

This is interesting. I wonder whether Shiva Rao has inside information. It seems to show that approach we have in mind would at any rate not meet with complete hostility or ridicule.

His proposal of an Executive Council, War Council, and National Defence Council is interesting, but I am not clear how they would all fit into what would be in any event a somewhat Heath Robinson administration.

W.

[1] *Strangers in India* (London, Faber and Faber, 1944).

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Sir A. Hope (Madras) to Field Marshal Viscount Wavell

L/P&J/8/591: ff 17–18

SECRET AND PERSONAL MADRAS GOVERNOR'S CAMP, OOTACAMUND,
3 October 1944

My dear Wavell,

Many thanks for your letter of September 13th[1] about the appointment of non-official Advisers in Madras. As you probably know, I have been advocating the appointment of a mixed team of official and non-official Advisers ever since 1940 as I felt, and still feel, that it would do much to meet the feeling of frustration, particularly among loyalists, owing to the continued suspension of a democratic form of government. It would associate non-officials much more directly with the Government at a time when far-reaching plans are being made for post-war development. We must, I think, retain an official element among the Advisers in order to ensure that urgent problems of the moment, particularly those connected with the war, are adequately and impartially handled and not shelved by non-officials afraid of burning their fingers.

2. I have at present four official Advisers, but I have felt for some time that this number is inadequate, and that food and post-war planning in particular require more attention than they can receive under the present distribution of business. I am sure, too, that it would be a good thing if Advisers toured more than they can do at present in order to secure up-to-date and first-hand knowledge of conditions in the Province. I propose, therefore, if you and Amery agree, to have three official and three non-official Advisers. I do not think this number is excessive. Under the 1919 Act, Madras had four Members of Council and three Ministers, while the Congress Ministry under the 1935 Act had ten Ministers.

3. For the non-official Advisers I propose to select one Telugu, one Tamil and one representative of a minority community. My choice in order of preference in each case would be as follows:—

Telugu. 1. The Raja of Bobbili, KCIE., former Chief Minister, and Member of the National Defence Council.
2. Diwan Bahadur B. Ramachendra Reddi, CBE., Landlord, and former President of the Madras Legislative Council.

[1] Asking Sir A. Hope to make proposals for the appointment of non-official Advisers in Madras which could be transmitted to the Secretary of State. Lord Wavell thought Mr Amery would 'raise no objection', if you satisfy me that your candidates are people of real weight and that your proposals deserve my strong support'. L/P&J/8/591: f 16. See also No. 1.

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Tamil. 1. Kumararajah Sir Muthiah Chettiar, M.L.A., of Chettinad, former Minister, and Member of the National Defence Council.
2. Sir R. K. Shanmukham Chetti, KCIE.
3. Sir P. T. Rajan, former Minister, and Regional Leader of the National War Front.

Minorities. 1. Khan Bahadur P. Khalifullah (Moslem), Member of Council, Pudukottah State.
2. Rao Bahadur N. Sivaraj, (Scheduled Caste) M.L.A. (Central); and Member of the National Defence Council.
3. Mr. M. Ruthnaswami, (Indian Christian), CIE., Vice-Chancellor, Annamalai University.

I am attaching fuller notes[2] on all these nominees. I have not consulted any of them as to their willingness to serve pending a decision on the question of principle of appointment of non-officials as Advisers.

4. My official Advisers are paid Rs. 4,000 a month, which is slightly more than the pay (Rs. 3,750) of the Chief Secretary and the First Member of the Board of Revenue. I recommend that the non-official Advisers be paid the same salary. They should also have the same privileges as official Advisers in matters of travelling, which are those given to Members of Council prior to April 1937. It would, I think, be invidious to make any distinction between official and non-official Advisers in this respect.

5. In connection with the distribution of work, I have given considerable thought to the question of food. It is an urgent and pressing problem and any mishandling of it might be disastrous. I feel, however, that it would be good propaganda to give it to a non-official, so as to show that non-officials were being associated not only with long-term planning, but also with this urgent immediate problem. On the whole, therefore, I would prefer to allot food to a non-official but to see that a sound senior official remains at the head of the Department. I am also considering making the Civil Supplies Commissioner a Secretary to Government to enable him to deal with the Adviser and other Governments direct.

6. I would have liked to have given Education and Public Health, and Public Works, to a non-official, but with Supplies in their hands it is not possible to give them more than Post-War Reconstruction and Development. Local Administration, though a Department which theoretically ought to be under a non-official, has always been the chief source of intrigue, and I prefer to leave it in official hands. On the other hand, I would prefer to give Home to a non-official, partly on account of its propaganda value, as non-officials regard it as a very important portfolio, and partly as it will be useful to have the views, both of an official and non-official Adviser, on a number of important public

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matters which come to me through the two Advisers in charge of Public and Home respectively.

7. I append a detailed list of the proposed distribution of subjects:—

Official Advisers: 1. Public (excluding Publicity) and Finance.
2. Revenue, and Education & Public Health.
3. Public Works, and Local Administration.

Non-Official Advisers: 1. Home and Law.
2. Supplies.
3. Post-War Reconstruction and Development.

8. I am most grateful to you for agreeing to re-open this subject, and if there is any point on which you feel that you require more detail, I shall be very glad to supply it.

Yours very sincerely,
ARTHUR HOPE

[2] Not printed.

36

Mr Turnbull to Mr Martin

L/P&J/8/623: f 15

INDIA OFFICE, *3 October 1944*

Dear Martin,
The Viceroy has forwarded to the Secretary of State the enclosed copy of a letter[1] from Mr. Gandhi to the Prime Minister dated 17th July. In his covering letter[2] the Viceroy says that the original of this letter was not received by him, and on the 10th September Mr. Gandhi enquired what had happened to it. He was then informed that the letter had not been received, and that if he would forward a copy it would be transmitted.

Mr. Amery asked me to suggest that no acknowledgment should be sent to this letter, and that if the Prime Minister approved he would ask the Viceroy to inform Mr. Gandhi that the letter had been delivered.

Yours sincerely,
F. F. TURNBULL

[1] Enclosure 5 to No. 20. [2] No. 20.

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37

Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
3 October 1944

There was no letter from you in the last bag. In the postscript to my letter of 27th September[1] I said I would try to let you have by the bag of 1st October my comments on the breakdown of the Gandhi-Jinnah talks. The examination of the correspondence took rather longer than I expected and I sent you nothing on 1st October. I telegraphed some general comments on 2nd October[2] for use in connection with a question in Parliament. I shall not be able to tell you for some days what I think the effect of the breakdown on the general political situation will be. But my comments on the differences between Gandhi and Jinnah, and the immediate Indian reactions to the breakdown are as follows.

2. Jinnah based himself on the "two nations" theory, according to which the Muslims and Hindus in India, however they may be distributed over the country, are entirely foreign to each other. He pressed Gandhi to accept this theory and the Muslim League's Lahore Resolution of March 1940 which he regarded as an expression of it. He made it clear that his sovereign Muslim States must be composed substantially of the British Indian Provinces now regarded as Muslim (e.g., in the north-west; Sind, Baluchistan, the North-West Frontier Province and the Punjab, and in the north-east, Assam and Bengal). The right of these areas to self-determination and separate sovereignty was to be exercised by their Muslim residents alone. Jinnah declined to answer awkward questions about economic stability and the fate of minorities. He told Gandhi that he was dealing only with British India and was not considering the Indian States. Arguing from the "two nations" theory, he could not agree to any alliance between the Hindus and the Muslims in order to achieve independence, or to any provisional Government before the Muslim claim had been finally settled. Relations between Muslim India and Hindu India would be settled by treaty as between independent and sovereign States, and there could be no question of any Central Government or constitutional link.

Gandhi propounded the Rajagopalachari formula, but made it clear that he did not really believe in it, and that what he wanted was some form of self-determination for Muslims within a united India. His immediate aim was a provisional Government responsible to the present Central Assembly or to a new Assembly elected under the existing franchise. During the war, military operations would be controlled by the Commander-in-Chief, but after the

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war his provisional Government would be completely independent. The matters requiring settlement under the Rajagopalachari formula would be dealt with by the provisional Government, though at a late stage in the correspondence he agreed to some kind of settlement between the Congress and the League, which the provisional Government would apparently implement.

In short, the negotiations broke down because Gandhi and Jinnah differed completely as to the nature and scope of Pakistan, and as to the order in which they placed the events necessary to Indian independence. Jinnah wants Pakistan first and independence afterwards, while Gandhi wants independence first with some kind of self-determination for Muslims to be granted by a provisional Government which would be predominantly Hindu.

It is difficult to believe that Jinnah who, whatever his faults, is a highly intelligent man, is sincere about the "two nations" theory. His refusal to answer awkward questions also shows that he has not thought out the implications of Pakistan, or anyway will not disclose his views on them. To take only one example, the north-eastern Muslim State would amount to very little without Calcutta, but Calcutta is in the main a Hindu city. On the other hand, Jinnah's suspicion of Gandhi is justified. Gandhi's ideal, though he is careful not to express it, is a united India in which the Hindus, given a free run, would inevitably dominate the Muslims. Jinnah was arguing for something which he has not worked out fully, and Gandhi was putting forward counter-proposals in which he did not really believe at all.

It is curious that Gandhi did not, in replying to Jinnah's criticisms about his lack of credentials, suggest a joint move for the release of the Working Committee. It is also curious that he made no effort to mitigate the Hindu character of his provisional Government by offering the League a substantial share of the power. I can think of no explanation of the first omission. The second was undoubtedly due to Hindu pressure before the talks began.

The breakdown has, I think, been a relief to the Mahasabha, the Sikhs, and to many Congressmen. Although Gandhi and Jinnah parted amicably according to the announcement when the talks ended, recriminations have begun and Gandhi has attributed the premature leakage of the correspondence to Jinnah, and has said that Jinnah is suffering from "hallucination". The Muslim press has been restrained, but there is likely to be an increase of bitter comment. Among educated Indians generally there is disappointment, and in time educated opinion may force the leaders into a more constructive attitude, or leave them behind. For the moment the breakdown makes a solution of the political problem much more difficult, and we can expect no quick change in view of the prestige of Gandhi and Jinnah in the Congress and the League. The reactions to the breakdown will be clear soon, and I shall then be able to comment on its long-term effect on the political situation.

[1] No. 23. [2] No. 30.

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3. After consulting the Executive Council I have decided to release Syed Mahmud, one of the members of the Working Committee. He recently wrote me a long rambling letter[3] in which he said that he had never voted for the August resolution and was opposed to the policy of the Congress when it was passed. These statements are probably untrue. We do not know what part Syed Mahmud played in 1942, and it is possible that he disliked the Congress policy but was afraid of resigning. On the other hand, the letter made it clear that he was tired of agitation, and tired of detention, and unlikely to make a nuisance of himself if we let him out. He is a chronic invalid (no worse now, I believe, than when he was placed in confinement), and those of my Indian colleagues who know him say that he is a weak simple man who could now do very little harm. I told you, I think, some time ago that the Home Department and the Governor of Bombay thought he might be released, and his letter really settled the matter. It is just as well to get some of these people out before the general jail delivery which must come when the Japanese war ends.

The Bombay Government reported recently that the prohibition of family interviews for members of the Working Committee was a real hardship. When they were first detained conditions were very different, and they were not allowed the periodical interviews with near relations which are allowed to other political prisoners. I mentioned the matter in Council on the recommendation of Home Department, and have agreed to fortnightly interviews subject to the usual precautions.

4. I have telegraphed to you about the Phillips affair.[4] The departments concerned are very anxious that we should make a statement of some kind. My own inclination would be to say nothing, but, as I have explained in my telegram, the President of the Legislative Assembly may let an awkward question slip past him, in which case a statement of some kind will be inevitable. Interest in the affair was dying down, but according to press reports Phillips stated a few days ago that he retained his appointment as the President's Personal Representative in India, and this may lead to renewed comment in the newspapers here. On the whole, the safest plan may be to make a statement in advance of the Assembly session or in reply to one of the questions. If we say nothing, we may get away with it, but I cannot be sure of this. We have quite a good case and I see no harm in stating it—and with no sort of apologetic attitude.

5. I have told you by telegram[5] that we cannot accept shipments of Australian flour in excess of 48,000 tons during the last quarter of this year. From independent information I understand that the Australians have more flour on their hands than they know what to do with, and may be unloading on us stocks in doubtful or bad condition. Our capacity for consuming white flour is limited, and it would be a great waste of shipping to send us stocks which will in the end have to be thrown away.

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I have now had the Braund Report, to which I referred in my last letter, examined. It gives a depressing picture of administration in Bengal and reaches the main conclusion that the Bengal Government cannot do more than expand their present organization for procurement and distribution. The Civil Supplies Department obviously needs a complete overhaul and a great increase in staff; and even when these processes have been accomplished food administration in Bengal will be considerably less efficient than it is in a Province like Bombay which has a large Land Revenue staff at its disposal. The Committee held that Bengal must import about half a million tons of foodgrains annually. I am not sure whether my Food Department will accept this last conclusion. Hutchings has gone to Calcutta and will discuss it with the Bengal Government.

I see there was a typing mistake in the last line but two of paragraph 3 of my last letter. Council authorised the Food Department to permit the free movement of gram, not grain.

6. Khare is very worried about the apparent reluctance of the Natal authorities to act upon the Pretoria Agreement.[6] Legislation is pending in the Natal Council, but the chances of its going through are small. Smuts seems to have done his best with the Natal authorities, but Shafa'at Ahmad Khan has reported that he may be unable to secure a satisfactory decision. Shafa'at Ahmad Khan's advice was that we should wait until about the end of this month when the decision of the Natal Provincial Council will be known, and should then, if the decision is unfavourable, press Smuts to "deproclaim" the areas affected by the Pegging legislation, and to introduce suitable legislation in the Union Parliament. Khare recommended to Council that we should instruct Shafa'at Ahmad Khan to present a new note to the Union Government immediately, asking for an assurance of suitable action if the Natal legislation broke down. Council took a very sensible view, and the more experienced Indian Members pointed out to Khare that the Union Government could hardly give us an assurance in advance, and that if the fact that we had made a request for one leaked out, the effect on South African opinion might be very bad indeed. Council agreed that Khare might send a telegram to Shafa'at Ahmad Khan, provided it asked for no assurance and merely instructed him to convey to the

[3] L/P&J/8/621: ff 79–83.

[4] See No. 23, para. 7. Tel. 1793-S of 1 October explained that Lord Wavell had the power to disallow the motions on the Phillips affair and proposed to use it; but that the initial decision on the admissability of the questions lay with the President of the Assembly who, however, intended to refer them to Lord Wavell for his consent. The telegram went on to ask whether Mr Amery would prefer the issue of a statement before the Assembly met, in which case Lord Wavell would disallow the questions, or the giving of an answer to the questions to which the Government would refuse to add. In tel. 22263 of 5 October, Mr Amery replied that he preferred the first alternative. L/P&J/12/4629: ff 60, 63.

[5] Tel. 1780-S of 28 September (L/E/8/3324: f 109) replying to Mr Amery's tel. 773: see No. 23, note 1.

[6] See No. 95, para. 6.

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Union Government our anxiety about the position, and our hope that if the Natal proceedings broke down immediate legislation would be promoted in the Union Parliament.

7. I have telegraphed to you about Shafa'at Ahmad Khan's successor. Gopalaswami Iyengar refused the appointment, and Khare has now selected R. M. Deshmukh, a former Minister in the Central Provinces and now Finance Minister in the Gwalior State. Wylie, who knows Deshmukh well, thinks he will do, and from what I have seen of him on the National Defence Council, I agree. He has good manners and is sensible. Shafa'at Ahmad Khan's time is up in November, but as Deshmukh will need some weeks to make his preparations, it is proposed to extend Shafa'at Ahmad Khan's term until the end of January. Constitutionally I do not think we need now consult you about these appointments, but I have asked whether you have any comments. If you see no objection, I will put Deshmukh's name to the Union Government.

[Para. 8, on recruitment of rubber tappers for Ceylon, omitted.]

9. I shall be grateful for a reply to my letter of 27th July[7] about India's representation at the Peace Conference. This is a matter in which both Council and political India generally will be most interested, and an early decision is needed.

[Para. 10, on Washington discussions on international civil aviation, omitted.]

11. I have seen the official correspondence ending with your Financial Secretary's letter of 12th July about the deductions we have allowed for income-tax purposes from the salaries of the Governor-General and certain Governors in respect of sums spent by them on entertainment. From the tone of the last letter I should say that your officials are under the impression that the Governors and I are giving lavish entertainments of the traditional kind. This is not so. There is practically no formal entertaining. The increased expenditure is due almost entirely to our obligation to put people up. In war conditions there is, besides much entertaining of troops, a constant stream of visitors both at Viceroy's House and at some of the Government Houses, and with prices as high as they are now the sumptuary allowances are not adequate. People in England do not always realise that in this country The Viceroy's House and the Government Houses are expected to take in visitors and travellers who in London would as a matter of course stay at the better hotels.

12. The National Defence Council meets on the 9th, 10th and 11th October. I am glad to hear that Munster will arrive on the 10th instead of the 11th; he will be able to attend a part of the discussions and see how the Council works. Kashmir is to make a statement on his visits to the U.K. and Italy.

[Para. 13, on possibility of granting small petrol allowance to civil officials on leave in U.K., omitted.]

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14. Sir Theodor Gregory has returned, extremely gloomy about everything —Anglo-American relations, lease-lend, flying bombs, British economic situation, housing shortage and so forth. But I think gloom is his natural attitude. Raisman on the other hand is in good form, and made a very interesting and clear statement to Council on the monetary conference and sterling balances.

[7] Vol. IV, No. 606.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND TOP SECRET

INDIA OFFICE, *3 October 1944*
Received: 12 October

I have just been having a talk with John Anderson about the Finance Membership. He saw Deshmukh while he was here and formed a good opinion of his ability and good sense and thinks he would do very well in the Council Chamber or at any similar informal meeting. But he doubts very much whether he would be able to stand up to attack in the Assembly or to opposition at a public meeting, and for that reason would definitely advise against him. He may very well be right about this and his conclusion rather coincided with my own as to Deshmukh. In any case his opposition would probably be decisive with the Cabinet.

Anderson still thinks that on merits Gordon would be much the best man if he could be secured. But he realises the strength of the prejudice there might be against appointing a Canadian. I suppose you would still regard that as insuperable? The only alternative to keeping Raisman on that he can think of —and it has already occurred to you—is Rowlands. You are better able than I am to judge of his merits, but on record he has pretty wide experience, and personally I imagine that sheer high finance is not so important now that there is a Reserve Bank as it once was. I say this, though last year Montagu Norman and Anderson both made a lot of the point.

We seem to be back exactly where we were a year ago. We must deal with this separately.

W.

I promised Raisman faithfully that I would try to secure an early decision. He certainly is not anxious to stay on and I gather his wife wants to come home too. Also I imagine his prospects in the City would be much better if he came home next year than if he let another year pass. If you did appeal to

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him to stay on, would it possibly make the offer more acceptable if he were assured of a governorship afterwards? Linlithgow I know had doubts as to his having quite the personality for the purpose, but I think you have since definitely endorsed that opinion. Anyhow, do let me have your views soon so that I can bring a definite proposal before the War Cabinet.

2. This business of the leakage from Bajpai's Office in connection with the Phillips affair is very perturbing, for it suggests the possibility of other leakages having taken place and throws some doubt at any rate on Bajpai's vigilance. I am afraid it will make it more difficult to press later on for Bajpai's elevation to Minister, and will strengthen the Foreign Office reluctance to have Indians attached to their Legations elsewhere. It does not alter my conviction that we ought to go ahead with Indianisation, but it does certainly afford a strong handle to the critics. I remember someone once saying to me many years ago, about the Persians, that they were incapable of self-government because, though there were many intelligent Persians and many honest Persians, he had never yet come across any Persian who combined the two qualities to the extent of being worth a salary of £500 a year.

A bit hard on Bajpai who is I think intelligent and honest!

W.

3. In last week's mail I sent you a letter prepared in the Office,[1] embodying the War Cabinet's views on the subject of civil aviation. I ought to add that these do not correspond at all with my own view. I have always been opposed to any conception of international control over aviation, except in regard to tests of air-worthiness, etc., both on merits and as a matter of practical politics. On merits I think that any international organisation distributing routes, etc., would be an obstacle to development in a new field in which the widest latitude should be allowed for competition—even wasteful competition—and would more particularly limit the development of British Empire expansion in the air as compared with other Nations. It is perfectly true that the Americans have an enormous start on us in open competition. On the other hand, the British Empire is so situated all round the world that if it determined to reserve its internal traffic to itself it could build up a very large commercial air fleet and incidentally pick up a great deal of traffic on the way between different parts of the Empire. Consequently the policy that I would favour is one that would in effect, if not in name, build up a system of reserved internal traffic or cabotage, not only for this country and the Colonial Empire, but for the whole Empire—this without prejudice to any major part of the Empire like India reserving its internal traffic to local companies. On the political side I have always been convinced that neither Russia nor America will look at international economic control, and the event has proved me right. It seems to me now that the only practical solution is that the representatives of the British

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Commonwealth, once they realise that the Americans will not look at international executive control, will accept the position and concentrate on building up an effective Empire system among themselves, excluding American traffic from all inter-Empire carrying, i.e., seeing to it that no American plane carries passengers from England to India or from India to Australia, though without prejudice to an American plane bringing American passengers to England or to India or to Australia, and *vice versa*.

4. The breakdown of the Jinnah-Gandhi conversations does not give much encouragement to any hope of an early solution of the communal difficulty. It strikes me that on the issue of the definition of Pakistan both sides ask too much, even from their own point of view. If there are really to be two separate Nations with no relationship to each other than the ordinary international one, which is Jinnah's demand, then clearly Gandhi was entitled to ask for such a definition of the boundaries of these Nations as would not include large numbers of unwilling subjects in Pakistan. On the other hand, if there is still to be something in the nature of a common Indian system of government, however limited, then it would not be unreasonable to concede Jinnah's claim that the existing Provinces should form the basis.

All this, of course, makes it more difficult to foresee any useful outcome of any Indian gathering that you might advise calling together in the near future. On that point[2] there are some queries on which I shall no doubt be sending you a telegram, more particularly how far you could call such a body together without inviting some at least of the interned Congress leaders to take part. The question then would arise whether you would release them for the purposes of your conference or whether some occasion like the collapse of Germany might afford an opportunity for releasing them as an act of clemency, and then inviting them to join others in conference. But I confess I see at present little hope of a successful outcome, even if the Cabinet were favourable to the course suggested, and I am not sure that we should gain much, even in the outside world, from a fruitless discussion.

My mind indeed has been steadily crystallising in a rather different direction. I am increasingly coming to the view that India's main grievance and source of bitterness is not the existing Government of India but Downing Street and the House of Commons. It is the suspicion, however unjust, that all the time India's views are being overruled from Whitehall, India's interests made subservient to British interests and India's policy governed by the prejudices or party manœuvres of British politicians. All this psychological complex is naturally centred on that odious person the Secretary of State, who is the embodiment of that distant and irresponsible interference. The situation is one which all the time tends to obscure the fact that India is so largely self-governing,

[1] Not printed. [2] See No. 19.

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not only provincially, but at the Centre, and to lower the status and reputation of the Indian Members of the Executive.

More than that the situation is one which does tend, subconsciously at least, to accentuate the irresponsibility of Indian politicians. At the back of their minds they are always thinking that by stating their case in its extreme form they may get something more out of the British Government when the latter has to come to a decision, and they cannot bring themselves to believe that we really mean to accept an Indian settlement and implement it. To that extent there is, I believe, something in Gandhi's argument that our presence in India impedes a settlement. Only I would say that it is not the presence of yourself and of the existing machinery of government in India that is the obstacle, but the sense of subjection to Whitehall.

The conclusion I draw from that is that instead of making Indian agreement an essential pre-requisite to full self-government *vis-à-vis* Whitehall, we should go the other way about and concede independence in the fullest sense as a pre-requisite to an internal settlement in India. Obviously we cannot leave India to chaos and therefore the independence to be conceded to India must be to the Government of India as it exists under the present Constitution. In other words, what I believe would be the real solution would be to declare here and now that we recognise India as enjoying the full freedom of status enjoyed by the Dominions under the Statute of Westminster, i.e., full equality with ourselves, and no power to legislate for Indian affairs from here except at the request of an Indian Government. That would mean that you would carry on as at present, but that your powers of overriding your Council or dismissing them would have to be exercised on your own judgment and without any direct instructions from here, and equally without any right of appeal to me by Members of your Council. Government in India would go on as it is and the question of getting together a constitutional enquiry or conference or convention, or of enlarging or changing your present Executive would be entirely in the hands of the Government of India as now constituted.

The essence of the idea in fact would be, in the light of such a declaration, to release the Congress internees, invite them to take part in coalition Governments in all the Provinces, support the war effort wholeheartedly, and at the same time set to work planning the future Constitution of India at leisure while the actual operation of Government within India is being carried on as before. It will have to be made clear, of course, that this continuance of the unity of India under the present Government does not preclude an eventual Pakistan, though I believe that in fact it would create an atmosphere in which at any rate the extreme Pakistan demand would no longer make the same appeal, and more practical considerations get the upper hand.

It may be asked whether so revolutionary a step should be taken now or only at the end of the War. Personally I should be prepared to take it now and

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trust to the emotional effect of our decision, as well as to the *de facto* position of the Viceroy and his Executive to carry on the war with full vigour. Similarly I should also be inclined not to let the declaration wait upon the conclusion of a treaty or treaties to settle outstanding obligations, minority problems or defence questions. I would rather assume that outstanding obligations would be honoured, leave the protection of minorities to the Constitution itself, and make new defence arrangements and trade arrangements after the war on the basis of equality and of a real community of interests.

All this, of course, would be for British India only and would leave the position of the Viceroy as Crown Representative and of the obligations of the Crown to the Indian States unaffected. Your existing powers and those of Governors would meanwhile continue to afford protection to backward areas.

You may think these ideas widely [wildly] fantastic and I am afraid they would certainly seem so to the Cabinet. Winston from his point of view would violently oppose what he calls "being kicked out of India".

On the other hand, the Labour Members of the Government would be very likely to be hostile to the idea of India being handed over to a Government not "responsible" to an elected Legislature. In that connection I know no word that has received a more misleading connotation than that word "responsible". The essence of responsible government after all is the sense of responsibility, not only to public opinion as expressed through Parliament, but also to the Crown as embodying the permanent life of the Nation and to Parliament as embodying its traditions of moderation and compromise. Under Indian conditions, so-called Parliamentary responsibility really means transferring all power to a couple of political bosses who are in a position to create a voting opinion which is no real reflection of the public mind. I should say that your present Government in India, especially if it were relieved of any responsibility to an outside authority, would be far more responsible in any true sense of the word than any other Government that could be set up in India this side of a really agreed constitution.

I wonder very much what you will say to this line of thought on my part. You may dismiss it as entirely unpractical in any circumstances. On the other hand, if you believe there is something in it, it is at any rate not inconceivable that a situation might arise in which it might be possible for a Government here to astound India and the world by the boldness of its action.

5. I am sorry that you were exposed to an onslaught from Winston[3] on your private telegram[4] about the increases of pay. Private telegrams are not circulated except in unusual circumstances. The reason in this case was that the Cabinet had noticed that the Government of India's protest in their telegram

[3] No. 29. [4] No. 15.

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of 9th September, No. 7167,[5] came from the War Department and did not come from the Viceroy, and had been disposed to write it down on that account. Butler refuted this suggestion but the telegram did not bear the usual sentence saying that it had your authority. For this reason it was decided to circulate your private telegram. The Cabinet are so accustomed to receiving a telegram from the Viceroy rather than a Department of the Government of India that I think it would always be well on a matter of Cabinet rank if you send a short official telegram, which I can circulate to my colleagues, to accompany any departmental telegram. Anyhow I hope your vigorous reply[6] to Winston will have done good.

We must get this clear. If private telegrams are ever *to be circulated, their whole basis changes.*

W.

6. I was interested in the suggestions made by Firoz which you mentioned in paragraph 17 of your letter of 23rd August.[7] I am sure he is over-optimistic in thinking he made any real impression on Kingsley Martin, Horace Alexander or Agatha Harrison. It was in fact they who approached Firoz with a view to impressing upon him the need for a more conciliatory attitude on the part of the Government of India towards Gandhi and the Congress, and urging that facilities should be offered to Rajagopalachari and others to see the interned leaders. Kingsley Martin has given me no indication that he wishes to go to India and I think it would be inadvisable for my Office to sound him on the matter. If he applied for facilities I don't see how we could stand in the way, but I am sure that we ought to do nothing to encourage him.

As regards Firoz's other suggestion I agree that there will be great advantage in United Kingdom business men with interests or prospective interests in India visiting India. I have no doubt that some of the business men who have to go out to India on war supply matters take the opportunity of making contacts with a view to furthering their own post-war commercial interests and we should not discourage this. The ban imposed for security reasons since the opening of military operations in Western Europe on departures from the United Kingdom, except those which could not be postponed, has made it impossible for United Kingdom business men to be given exit permits during recent months to go abroad for post-war trade purposes. It is however now proposed to be much more generous in granting such applications. The difficulty will be passages and as you know passages are very scarce from the United Kingdom to India whether by sea or air. But the Department of Overseas Trade, who are responsible for getting passages for these men, will watch the situation and are anxious to do what they can to help. You will no doubt agree that anything in the nature of a Delegation or Mission of United Kingdom business men visiting India would be a mistake and it would be far better

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to provide facilities so far as we can for the individuals who come forward on their own initiative with applications. It is not impossible that the Indian industrialists when here will themselves suggest such visits to some of those whom they wish to interest in their projects.

[Para. 7, on Sir H. Derbyshire's request for a passage to India for Lady Derbyshire; para. 8, on revision of the Instruments of Attachment; and para. 9, on H.M.G.'s statement on the Bombay Explosion Report, omitted.]

10. I have been reading with great interest your memoranda for the Governors' Conference as well as the minutes of the proceedings.[8] I am sure this has been a most helpful innovation on your part and well worth while keeping up.

11. I have just seen Sir Henry French and also read his report,[9] which I am circulating to the Food Grains Committee in the hope that they may strongly recommend to the Cabinet an announcement on the lines which French has suggested and of which I understand you have a copy. Meanwhile, after endless telegraphings to and fro, the despatch of food for this last quarter of the year looks like being satisfactorily fixed up, the shortage from Australia being made good from Canada. There have been so many last moment slips that I daren't be absolutely positive, but I think it is all right.

[5] See No. 11, note 1. [6] No. 32. [7] Vol. IV, No. 670.

[8] Both the memoranda, which dealt with economic and social problems, and the minutes of the proceedings on them are in L/E/8/2613. Sir E. Jenkins' note of the Governors' informal discussion of the political situation (No. 1) is not included in the minutes.

[9] See No. 23, note 2.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 223

IMPORTANT
TOP SECRET

NEW DELHI, *5 October 1944, 1.20 pm*
Received: 5 October, 2.30 pm

No. 1819–S. My letter of September 20th.[1] Political situation. Complete breakdown of Gandhi-Jinnah talks does not repeat not alter appreciation in my memorandum. On the contrary it makes positive move by His Majesty's Government even more essential. But it would be useless now to attempt to discuss with Gandhi and Jinnah (?as a) preliminary to my proposed conference, and in my plan of action less emphasis than I originally intended must be placed on framing of proposals for constitution-making body.

[1] No. 19.

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2. I propose that I should invite (? selected) leaders and one or two others to conference without taking soundings of any kind, and simultaneously make a broadcast announcement of proposed plan. Object of broadcast is to bring in educated opinion which is sick of present stalemate and, whatever the result, would recognise that we are making effort to honour our pledges.

3. I have in mind to invite Gandhi (Congress) Jinnah (Moslem League) Ambedkar (Depressed Classes) Tara Singh (Sikhs) Aney (Non-Congress Hindus) and Firoz Khan Noon (Non-League Moslems and an adequate representative of fighting classes). Gandhi and Jinnah would be given option of nominating substitutes if unwilling to attend themselves, and would be asked to bring one other representative of Congress and League with them. I would also invite M. N. Roy to represent Labour. I should endeavour to start with a rather smaller Council than at present, but actual numbers must be left for negotiation.[2]

5. My two immediately succeeding telegrams give respective[ly] text [of] new paragraph No. 4A and revised paragraphs 8, 9 and 12 of memorandum and outline of broadcast announcement.

6. Revised paragraphs need no comment. Broadcast would have to be in my own words, subject to His Majesty's Government's approval of general policy. The main points are that announcement must be such as to make educated India sit up and the leaders think twice before refusing; that it must start with the assumption that in my transitional government Hindus and Muslims must be equal; and must make it clear that as soon as an advance is practicable His Majesty's Government will go ahead. On the last point my views are that it might repeat might be possible to go ahead with Congress *or* Moslem League standing out. It would not be possible to do so if both stood out. The belief that His Majesty's Government are prepared to by-pass one of the major parties if they can do so would be salutary.

7. I should have to inform Council of the plan immediately before announcement is made and thereafter keep them informed.

8. I should like to be free to judge the timing myself. I originally thought the end of the German war would be best moment. I now think early action necessary, perhaps almost immediately.

[2] This sentence is printed as para. 4 in Wavell Papers, Political Series.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 225

IMPORTANT
TOP SECRET

NEW DELHI, *5 October 1944, 3.15 pm*
Received: 5 October, 1.45 pm

No. 1820–S. My immediately preceding telegram. Following is text of new (? Paragraph) 4a and revised paragraphs 8, 9 and 12. *Begins.*

Paragraph No. 4a. The fact that Gandhi and Jinnah have had discussions and have failed has deepened the sense of frustration among Indians. At the same time it has probably made Nationalist opinion more ready than before to compromise. It does not repeat not justify inaction on our part.

Paragraph No. 8. In order to form such a transitional government, I should try to assemble a small conference of the principal leaders and certain others. My idea is to invite persons in whom the Congress, the Moslem League, the Depressed Classes, and the Sikhs, have confidence, and a few others, to the conference; and simultaneously to broadcast an announcement of proposed plan in such terms as to impress public opinion both in India and abroad. If this is properly (? done) the leaders would think twice before refusing.

The selection of the persons to be invited is not easy. Provisionally I would include: Congress—Gandhi and one other; Moslem League—Jinnah and one other; Depressed Classes—Ambedkar; Sikhs—Tara Singh; Non-Congress Hindus—Aney; Non-League Moslems—Firoz Khan Noon (who is also an adequate (? representative) (? of) the martial classes) and M. N. Roy as representative of Labour.

I would tell Gandhi and Jinnah (? that they) were at liberty to suggest the second representative of Congress and League and to send substitutes for themselves if they were unwilling to attend.

Within the limits of the policy approved by His Majesty's Government I must be allowed to make an announcement of the proposal in my own words.

I would not bring the Princes in at the Conference stage, but would keep them informed of the result. I must keep my present Executive Council informed throughout.

Paragraph No. 9. The composition (? of) the transitional government would be a matter for negotiation. I would favour an equal number of Hindus and Moslems, with one representative of the Depressed Classes and one Sikh, in addition to the Commander-in-Chief and the Governor-General. It would be best to start with a smaller Council than at present.

Paragraph No. 12. After the new Government had taken office, I would

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at leisure encourage it to prepare and communicate to His Majesty's Government proposals for the establishment of the constitution and treaty making body. At this stage the Princes would have to be brought into the negotiations. *Ends.*

41

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 224

IMPORTANT NEW DELHI, *5 October 1944, 1.30 pm*
TOP SECRET *Received: 5 October, 1.30 pm*

No. 1821–S. My immediately preceding telegram. Following is outline repeat outline of Broadcast Announcement. *Begins:*

1. His Majesty's Government are determined to (implement) their pledges to India and have authorised me to do everything possible to make progress towards that end.

2. After the rejection of the Cripps offer His Majesty's Government had hoped that leaders of Indian parties would get together and agree among themselves. Unfortunately leaders of Congress and Moslem League have been unable to reach an agreement on the communal issue. Let us approach that issue rather more deliberately and try to make progress in other directions in the meantime.

3. India has great problems before her which can be solved to India's satisfaction only by leading men of all parties. I propose to try to form a transitional government at the Centre, representative of main political parties with the following tasks.

(*a*) To prosecute the war against Japan with the utmost energy, to prepare for post war development, and to carry on the government of British India until the new constitution and treaty can be worked out.

(*b*) To appoint the British India representatives to the peace conference when the time comes and to other International conferences.

(*c*) To consider if and when the members of government think this possible, the composition of body which would draft the constitution and negotiate the treaty with His Majesty's Government.

4. The transitional government must work within the framework of present constitution. There can be no question of a convention under which the Governor-General agrees not to exercise his constitutional right of veto. But it will not be unreasonably exercised. Except for the Governor-General and Commander-in-Chief the transitional government would be entirely Indian.

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I propose that there should be an equal number of places for Hindus and Moslems with one representative each of depressed classes and Sikhs. I would select the members in consultation with leaders of political parties prepared to participate and would submit their names to Secretary of State for King-Emperor's approval.

5. With a view to advising me on the general political situation and on possibility of forming such a government the following have been invited to a conference at Viceroy's house (enter names).

6. If meeting is successful I hope that political leaders will agree not only on a transitional government at Centre but on formation of coalition governments in Section 93 Provinces.

7. I realise that this plan does not meet the demands of some Indian leaders for immediate independence and full power but it seems to me the best and in the end the quickest way to real progress and I think India would be well advised to accept it.

8. His Majesty's Government are most reluctant to allow disagreement between parties to hold up progress indefinitely and if I am satisfied that I can form a transitional government that is likely to produce results without the support of all parties I shall do so.

9. If conference fails we can only carry on as at present with present Executive Council which is doing most valuable work for India. *Ends.*

42

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 222

IMPORTANT *5 October 1944*
PRIVATE
TOP SECRET

No. 1822-S. My memorandum dated September 20th[1] and official telegrams on political situation. For your personal information (?each)[2] of my advisers refers to the need for positive and early move by H.M.G. The plan put forward is my own and I have not repeat not consulted Governors about it in view of need for secrecy. Mudie would prefer me to adhere to original intention of seeing Gandhi and Jinnah first and to concentrate on solution of communal

[1] Enclosure to No. 19. [2] 'unanimity' in Wavell Papers, Political Series.

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problem (?rather) than on formation of transitional government. But he does not object to the essentials of the plan. I think he is wrong about tactics as breakdown of Gandhi (?Jinnah) talks makes direct solution of communal problem impossible, and this is why I have kept it in the background. We cannot now with any hope of success press the Congress and League to arrive at agreement in principle on method of framing new constitution before they join transitional government. Only hope is to get their representatives working on constructive tasks with representatives of other minorities, subject to sympathetic help and guidance from ourselves. I think the sooner we act the better.

43

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/18: f 85

PRIVATE *5 October 1944*

1826–S. Your telegram No. 757[1] of 19th September. Beverley Nichols' book. Sultan Ahmed has now seen the book and thinks it will embitter both racial and communal relations. He agrees we cannot ban it here and unless it can be banned at home thinks that only possible line if great resentment is caused will be for His Majesty's Government and Government of India to make it clear in reply to arranged questions in Parliament and Central Assembly respectively that they do not approve of the book.

[1] Informing Lord Wavell that the book's probable date of publication was 9 October; L/PO/10/18: f 82. See also No. 14, para. 15.

44

Mr Churchill to Field Marshal Viscount Wavell (via India Office)

Telegram, L/PO/4/26: f 2

IMPORTANT 10 DOWNING STREET, *5 October 1944, 1.35 pm*

792. Following from Prime Minister. Personal and Top Secret. Your No. 12–U.[1]

Thank you very much. I said I was sure I could rely on you to vindicate us in these matters.

[1] No. 32.

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Sir A. Clow (Assam) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/137: f 39

No. 134 *5 October 1944*

11. I have not yet had particulars of the reactions of the Gandhi-Jinnah talks, but there will certainly be relief among a number of Hindus, who feared that Gandhi would sell the pass. I do not think that either of the two aged Gujerati barristers has displayed much forensic ability. But Gandhi has gained advertisement and has been able to underline Jinnah's intransigeance while Jinnah has got Gandhi to recognize his representative character. The implicit demand for Assam strikes me as one of the more brazen of Jinnah's claims. The Muslim population is about 33% and if we exclude the Surma Valley, which is linguistically and geographically part of Bengal, the rest of Assam has only 20% of Muslims, mostly recent immigrants.

46

Sir H. Dow (Sind) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/260: f 43

D.-o. No. 314-F.R. *6 October 1944*

The talks between Gandhi and Jinnah have reached their pitiful conclusion. The first passages between these two obstinate old men show that the spirit of accommodation was entirely lacking, and that each was determined to give nothing away. It would seem that Gandhi's search for truth is a very subordinate department of Hindu politics. I do not agree with the estimate in the official report[1] that this failure of the talks between Jinnah and Gandhi will accentuate the division of Hindu opinion. Rather I should say the extreme Mahasabhites are now satisfied that Gandhi is at heart just as intransigeant as they are, in spite of his apparent willingness to treat with Jinnah. The fact that these conversations were immediately followed by Gandhi's birthday celebrations, with every newspaper full of syndicated insincerities of congratulation, has also played its part in bridging the gap between extreme and moderate Hindu opinion.

[1] i.e. the Sind Chief Secretary's report for the second half of September 1944. L/P&J/5/260: f 46.

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47

Mr Amery to Field Marshal Viscount Wavell

Telegram, L/E/8/3324: ff 83–4

IMMEDIATE INDIA OFFICE, *9 October 1944, 6 pm*

22565. Figures in thousand tons. Position has changed[1] and is now as follows. In consequence of increased military programme from North America M.W.T. are arranging to ship between 90 and 120 in fourth quarter as flatting in the military ships. Ministry of Food have agreed to make grain available. Arrangement is short of absolute certainty as regards quantity which must depend on measurement factor of military cargo and quantity of wheat which can thus be loaded in the available space in the military ships. Above figure is best estimate M.W.T. can make. M.W.T. are asking the W.S.A. to carry balance of 300 in similar manner in U.S. army ships. Position is therefore that you can look for 101 wheat and 48 flour from Australia and 150 wheat from North America. Your announcement could be in following form which Ministry of Food and M.W.T. have agreed: *Begins.* H.M.G. in course of previous announcement regarding food imports[2] undertook to give further consideration to India's requirements for fourth quarter. This has now been completed and shipping and supply are being arranged for approximately 300,000 tons of wheat and wheat products to be loaded for India in the months October, November, December. This quantity is in addition to the 800,000 tons already announced. H.M.G. will review the position again in November. *Ends.*

[1] See No. 23, para. 3 and No. 37, para. 5. [2] See Vol. IV, Nos. 556 and 561, note 4.

48

Sir M. Hallett (United Provinces) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/273: ff 36–8

SECRET *9 October 1944*

No. U.P. 242

9. I have, as you know, had interesting talks with Frank Mudie about the 'political' situation and have really little to add to what I have already written to Your Excellency.[1] One point which strikes me is that both Gandhi and Jinnah are now talking too much and are attacking each other at long range through the medium of press conferences and statements. There are as yet no signs of any marked deterioration in the communal position and the two

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festivals of Id and Ram Lila have gone off peacefully. But the longer the talk about Pakistan and Hindustan goes on, the more acute will communal feelings become; that is what has happened in the past.

10. Apart from this danger of communal trouble, there is also the danger of anti-Government feeling being stirred up by extremist papers, which are already, in some cases, reiterating the view that Great Britain wishes to keep India permanently in bondage. Again history may repeat itself and these attacks on Government may cause trouble. I am afraid that the recent statement of Mr. Amery in the House of Commons[2] that there would seem to be no useful opening for intervention on the part of Government may encourage this point of view. The more I think over the problem, the more I am convinced that it is essential for Government to come into the picture and to do all that it can to bring the parties together,—not merely Congress and the League but Sikhs, Hindu Mahasabha, Depressed Classes and others. Gandhi and Jinnah make no signs of making contact with these other parties, so that even if they come to an agreement between Congress and the League, there would have to be further discussions with the other parties. There will thus be long delay and during this period the situation will grow worse. If Government can arrange a conference, it would show that they were sticking to their promises and also it is far more probable that some compromise would be effected if all parties were represented than if, as at present, the discussions were left to the two intransigent leaders. The two leaders could not of course be left out for they are still, as you observe in your letter, very popular with their own followers. If they refuse to co-operate, then there would be no alternative but to hold the conference without them, just as the first series of the Round Table Conference in 1930 was held without Congress representatives. It seems to me that the only hope of a compromise is something on the lines of the Coupland plan.[3] Stephenson recently had some talk with the Raja of Mahmudabad who is a rabid Muslim Leaguer and devoted disciple of Jinnah. He held that it was the big business men, Birlas, Tatas, etc., who had tried to drive Gandhi to try for a compromise. The Raja's view—and I have heard the same view some time ago from another provincial Leaguer, Chaudhri Khaliq-uz-zaman—is that Pakistan being poor and undeveloped must develop its natural resources by the aid of brains and capital from England or elsewhere and this would not of course suit the big business in Hindustan. There is a good deal in this.

[1] Presumably No. 33. [2] *Parl. Debs.*, 5th ser., H. of C., vol. 403, 5 October 1944, col. 1146.
[3] Sir R. Coupland, *A Report on the Constitutional Problem in India*, Part III: *The Future of India* (London, Oxford University Press, 1943).

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Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/193: ff 48–9

SECRET GOVERNOR'S CAMP, CENTRAL PROVINCES AND BERAR,
No. R. 34–G.C.P. *9 October 1944*

Dear Lord Wavell,

The subject uppermost in our minds as regards the internal situation is, of course, the breakdown of the Gandhi-Jinnah talks and your letter No. 40/7[1] dated the 2nd October 1944 invites comments. At first, press comments were comparatively subdued and lip-service was paid to a possibility of a renewal of the talks. The squabble about the source of the leakage of information, followed by Jinnah's forthright press conference statements, opened the way to the tide of recrimination now setting in. One result, I fear, will be that the cleavage between the two communities will be sharper than ever and, although the mass of the people are incapable of understanding the issues involved, the cleavage between the leaders will percolate down through local leaders and will probably be translated into communal tension whenever occasions arise, as for instance at the principal Hindu and Muslim festivals, which require friendly feeling and a spirit of give and take if breaches of the peace are to be avoided.

I suspect that the initial show of moderation on the Hindu side was prompted by a feeling that the outcome of the conversations could only be to exhibit Gandhi's offer as generous, altruistic and statesmanlike and its rejection as prompted by narrow communalism. My information is that at Sevagram itself there was never any expectation of a successful outcome and I incline to the view that the talks were designed to trap Jinnah into an exhibition of unreasonableness which would be beneficial to the Hindu case in the eyes of the world. Actually, I consider that Jinnah extricated himself pretty well, but his one great weakness is over the question of a plebiscite to which he cannot agree without risk in view of the extreme backwardness, poverty and illiteracy of the Muslim masses who would be exposed to pressure from Hindu propagandists, landlords, capitalists and even from the lower grades of officials so many of whom are Hindu in Provinces like Bengal. In such circumstances, a plebiscite would have no more meaning than the plebiscite which (if my history is correct) offered the throne of Mexico to the Emperor Maximilian. Nevertheless, the inability to agree to a plebiscite must be damaging to Jinnah's case in the eyes of those who do not dig below the surface.

My suspicion that Gandhi felt that the conversations, whatever their outcome, could not fail to be damaging to the League is strengthened by the fact that the conciliatory attitude of Rajagopalachari was conspicuously absent while

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time was wasted, and friction developed, over the purely academic question whether the Muslims do or do not constitute a nation. The questionnaire submitted by Gandhi was also not free from the suggestion that Jinnah is aiming at a Pan-Islamic State. In fact, all that Gandhi was prepared to concede was an extended form of Provincial Autonomy whereas, as indicated in my letter dated the 26th March 1944[2] reporting the results of my conversation with Nazimuddin, the Muslim League want the principle of self-determination to be fully conceded. The concession of such a principle does not necessarily involve complete severance from Hindustan, but, as Jinnah stressed, the decision on that all-important question must be conceded as resting with the constituent bodies of both Pakistan and Hindustan.

As to the ultimate outcome, I fear that the position has been rendered more difficult because Jinnah might now even refuse to agree to one Constituent Convention or Assembly—as perhaps he would have been prepared to do at the time of the Cripps proposals, and he may now insist on two Constituent Assemblies. Nevertheless, I think that the prospects of a Constituent Convention or Assembly should be further explored as that seems to me to be the only way towards a solution. I do not know whether Your Excellency has seen the memorandum dated the 16th August 1941[3] which I prepared for Lord Linlithgow. In para 6 of that memorandum (copy enclosed for ready reference), I stated that the Constituent Convention would have to remain in being until some substantial measure of agreement were found. That still seems to me to be the only remedy provided that the possibility of a single Constituent Convention or Assembly has not now been wrecked as a result of the Gandhi-Jinnah talks. Ultimately, if articulate Muslim opinion insists on separation, I do not see how it can be denied by the British Government. But, if Muslims are allowed full self-determination, I am pretty confident that they would choose some form of union with Hindustan.

[1] Twynam Papers. I.O.L. microfilm reel 2447. [2] Vol. IV, No. 443.
[3] MSS. EUR. F. 125/62.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/E/8/3324: f 71

IMPORTANT *10 October 1944*
PRIVATE

1854–S. Your 22565[1] of October 9th. Wheat imports. This is splendid news. Congratulations on result of your untiring efforts and many thanks. Food Department will fix date of announcement and inform you.

[1] No. 47.

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51

Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: ff 415–19

IMPORTANT INDIA OFFICE, *10 October 1944, 1.45 pm*
PRIVATE
TOP SECRET

809. I am putting to you officially my reactions to your constitutional proposals and making an alternative suggestion which I do believe deserves serious consideration on merits. The Gandhi-Jinnah conversations only confirm my growing conviction that the two main organised parties are incapable of finding a solution and that further efforts on our part to bring them together at present will not only fail but that their failure will be blamed on us and incidentally weaken and discredit such instrument of government as we possess today. I believe with you we must take the initiative but I feel it must be an initiative in outlook and conception and not merely a new attempt to wade[1] into the old bog. For that reason I should be inclined deliberately to exclude Congress and League altogether and emphasise the representation of the fighting services. In any case the proposed body is only to devise a constitution. The last word, including the right of Provinces to stay outside, will rest with an elected body in which the parties will have their say.

2. Apart from my doubts as to your proposals on merits, I should like to put to you some wider background considerations—(Here insert text of my 14–U.)

14–U. The situation both in Parliament and in the Cabinet is becoming increasingly more difficult as issues of future domestic and economic policy come up for urgent discussion. All the more responsible members of the Cabinet of whatever political party realise the vital importance of not breaking up the coalition before Germany at least is finally defeated. They will do their best and rightly to avoid every disagreeable conflict of opinion which would impose an unnecessary strain upon national unity if that conflict can be postponed. That indeed is why, whatever their private views, the Cabinet have always hitherto deferred to the Prime Minister's passionate feelings about India. They are bound to do so all the more in the present delicate situation. Moreover, sooner than precipitate the break up of the coalition, Labour Ministers would I am sure prefer to keep their hands free to advocate their own solution of Indian difficulties whether as Government or as opposition after the coalition has broken up.

3. I therefore see very little prospect of the Cabinet agreeing to your going forward with[2] your proposals this side of an election. On the other hand my

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suggested alternative not only avoids a change in the actual structure of government against which the Prime Minister is bound to react vehemently, but is sufficiently near to a proposal he once made himself, and indeed was ready to fly out to India to advocate,[3] to make it at any rate possible that he would look upon it with favour.

[1] 'a new attempt to wade' omitted in Wavell Papers, Political Series.
[2] 'your going forward with' omitted in Wavell Papers, Political Series.
[3] See Vol. I, Nos. 76–8, 89–91, 95–6, 101–3, 111–13, 118–19, 121, 123–4, 129–30, 134, 196.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/520: ff 202–12

IMPORTANT INDIA OFFICE, *10 October 1944, 7.15 pm*
TOP SECRET

22607. Your telegrams of the 5th October 1819–21S.[1] I have studied your memorandum[2] in the light of these telegrams. I feel I must draw your attention to certain questions and criticisms which my colleagues would be sure to raise. I hope you will not think that the mention of them indicates any lack of sympathy with your main purpose the case for which is put cogently in your first three paragraphs. I also offer for your consideration a counter suggestion which seems to me to avoid some of the difficulties that I see in your plan.

2. While agreeing that if any move is to be made by us it should be made soon, question of timing has special importance for the particular solution you contemplate. Are you satisfied that if your proposals secured Indian agreement the near future would be a suitable time to put them into operation? Important operations based on India, which will strain India's transport and internal economy to the limit, are impending in 1945 and are likely to continue into 1946. In the first place, would not your present Executive Council be distracted by political developments from their primary duties (cf. last sentence of Prime Minister's directive).[3] You will remember the shock to their izzat and to their own self-confidence resulting from the 1942 proposals and I feel that even suggesting your scheme to them would have a depressing and unsettling effect. In the second place if the conference produced rapid results, would you be prepared while such military conditions continued to hand over responsibilities of Government to completely new and untried team, only superficially in agreement at the outset and thereafter mainly occupied with political manoeuvring?

[1] Nos. 39, 40 and 41. [2] Enclosure to No. 19. [3] Vol. IV, Enclosure to No. 172.

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3. I question greatly whether your proposals would be accepted by the principal parties. You propose that the transitional government would work within the present constitution. It is therefore essentially on the lines of the short-term proposals made by Cripps and it is doubtful whether even with the additional tasks assigned to it in your paragraph 7 Congress would be more ready to participate than in 1942. Gandhi certainly shows no sign of such readiness. Admittedly your plan preserves present chain of responsibility to Parliament and can be defended as retaining existing system of control in defence matters. But what I would fear is that once negotiations opened you would be exposed to great pressure to whittle down this control to a further extent than H.M.G. could at present contemplate. On the other hand could Jinnah now look at any plan which commits him to an undivided India with no assurance of Pakistan and with Congress inside the Government? Would not the almost certain failure of negotiations for which we would then be held responsible increase the sense of frustration in India and leave the situation worse than before?

4. But even assuming a transitional government were set up on the lines you propose with the Governor General's overriding power retained I foresee grave difficulties. There would be a very real risk of it getting out of hand over problems arising in the course of administration and making your position impossible (cf. paragraph 13 of your memorandum). How would you propose to deal with such a situation? And what if the transitional government failed to agree about the constitution making body? Would it be feasible, having regard to the composition of such a government, for H.M.G. to impose a decision on it in that regard? Would it in fact be possible to keep it in office if in this respect it failed in what I think you would regard as its chief purpose?

5. I doubt indeed if a government composed as you propose is inherently capable of survival even if it could initially be got together. Its relations with the legislature are likely to be fruitful in intrigue. If one section of it, e.g. Congress, failed to secure approval of its proposals in Council would it not be tempted to whip up support from its followers in the legislature to the extent of refusing supply or otherwise making the transaction of Government business impossible? The unity of your present Council is surely largely due to the fact that its members have no outside organised allegiances to placate and no outside axes to grind. I see every probability of your transitional Government becoming a house divided against itself and unable to present an undivided front to the legislature. Your plan is of course essentially different from the offer of 1942 as it postulates no prior general agreement between the political leaders about the constitutional future. Without such agreement which seems as far off as ever there are bound I think to be acute tensions within the Council and much manoeuvring for future position.

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6. You do not mention an awkward difficulty which I foresee in the composition of the transitional government. You propose an equal number of Hindus and Moslems. Would Jinnah be allowed to nominate all the Moslems? If not, he would very probably refuse to co-operate. If he were allowed this power some of the soundest and not least important sections of the Moslems in the Punjab and elsewhere would go unrepresented. Indeed a weighty criticism of your proposals generally is their apparent aim of conciliating principally the Congress Party and the Moslem League despite the wholly inadequate representation they provide for the not insignificant classes in India who have supported us loyally in the past, who have co-operated wholeheartedly in the war effort both by service in the armed forces and otherwise and whose co-operation is still essential.

7. A problem which will no doubt be forced on us sooner or later but is bound to arise under your proposals in an acute form is the continued detention of the Congress Working Committee. Pressure for their release is certain to be very strong. Is it part of your proposals that they should be released, and if so at what stage and on what terms?

8. I fully appreciate the arguments against allowing the situation to drift and in favour of our taking the initiative. Is there any alternative plan which while escaping these objections for the most part would show that we are not content to sit still? I think there is. I suggest that for the duration of the war you should leave the present Executive Council untouched—after all it is a very representative cross-section of Indian opinion outside the ranks of Congress and the League—and give it the assurance that you and H.M.G. here are behind them in doing their best for India and for the common cause. At the same time you would announce your intention, in face of the obviously unbridgeable gulf between the leaders of the two main organised parties (and the indications of trouble in other political quarters e.g. Mahasabha and Sikhs if they had agreed), to set up yourself a conference composed primarily of the other less unbalanced and irreconcilable elements in the Indian polity for the purpose of discussing the basis of a future constitution for India and framing proposals therefor. I suggest that in the National Defence Council you have a body which would form a very suitable nucleus for such a conference, not least because it already contains representatives of the Princes. Additions might be made to it to include the Premiers of the non-Section 93 Provinces, elder statesmen, further representatives of Labour and the Depressed Classes, and not least representatives of the Fighting Services, including those of the States. Even so it would not be unduly large for general discussion but might be guided to select from within itself committee to concentrate on planning. The selection of a Chairman would be a critical point of the scheme as it would be of your proposed conference but should not be insuperably difficult. For the

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very reasons given above there is much to be said for by-passing entirely both Congress and the League as such. If that is considered impossible they might be invited to participate but only on a relatively small scale and certainly not as a majority between them of the British Indian representatives: if they declined, the conference would go to work without them and if successful would go a long way to undermine their claim to be the only political factors that count. The conference could, I assume, have secretarial and expert assistance from your Reforms Department and might well be guided to call in the help of advisers, especially those experienced in the working of federal constitutions, from the Dominions and foreign countries. Proposals emanating from the conference would no doubt be subject to eventual ratification by some elected body, and it would be part of the functions of the conference to consider and recommend the manner in which that body should be set up. Congress and the League would inevitably be represented on the elected ratifying body and this would provide an answer to criticism of their exclusion from, or non-participation in, the work of the Conference, and strengthens the case for their deliberate exclusion from the outset.

9. It seems to me that this plan would avoid during the critical war period the really serious administrative difficulties inherent in your proposals: it would be an earnest of H.M.G.'s determination to fulfil their promises: it would focus Indian political discussion on a constructive task: it evades the difficulty which is a feature both of your preliminary conference and your transitional government of having the two principal communal parties confronting each other and dominating the discussions with their irreconcilable differences and it would give full opportunity for the expression of the views of those who have stood by us in recent years. I look forward with much interest to your views on this suggestion as well as to your comments on the points made earlier in this telegram.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
10 October 1944

Many thanks for your letter of the 28th September.[1] I am glad your Italian trip was so interesting. Your statement about the Drew Pearson controversy was given full publicity in India, and was much appreciated by the Services.

2. Munster has just arrived and I have had a talk with him. He will be here for a few days before setting out on a pretty strenuous tour. Many of the

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criticisms at home about our welfare arrangements in India are probably out of date, but I agree that improvements are needed and Munster's visit should be very useful. How far a report from him will satisfy the press and Parliament remains to be seen. I still think that we shall need a visit from people who are not responsible for the administration of the subject.

3. I was greatly relieved by your telegram[2] informing me that 300,000 tons of wheat and flour are to be shipped to India in the last quarter of this year. I am most grateful for the way you have fought our case. Srivastava is delighted, and the announcement should make a great difference to public confidence. It may not be very welcome to the Punjab Ministry, but the knowledge that His Majesty's Government are giving us steady support will be a great help all over India. There is not much change in the food situation. Clow reports that Assam will be short by about 200,000 tons on the current crop, but should be able to make the greater part of this good from the carry over of the last Aman harvest which was a bumper one. In Bengal, Casey's procurement is going well, and though there may be local scarcities, he is confident of getting through this year. The main anxiety at present is for parts of Madras, especially the Malabar District and the Cochin and Travancore States. C. P. Ramaswami Aiyar, who is here for the National Defence Council, is seeing me on the 13th, and from what he has so far said in the Council, will probably speak strongly about transport difficulties. He thinks that enough has not yet been done to organise country craft on the coast and that we are making inadequate use of some of the smaller ports, which are safe enough for small craft except in the monsoon. There is a good deal of movement by sea from Karachi to the south, and C. P. Ramaswami Aiyar's main criticism relates rather to the organisation of this movement than to the number of the country craft employed.

4. There have been no important developments in the political situation. Inayatullah Khan "Allama Mashriqui", the Head of the Khaksar movement, sent me a somewhat impertinent letter suggesting that he should act as a mediator. I had a reply sent to him by my Private Secretary referring him to my address to the Legislature and to my correspondence with Gandhi. He has no influence outside his own organisation, and would of course be quite unacceptable both to the Hindus and to the Muslims.

An Akhand Hindustan Conference, organised by the Mahasabha and attended by Sikh representatives, has just been held in Delhi. The speeches were on the conventional anti-Pakistan lines.

Comment on the breakdown of the talks is still fairly restrained, though the Congress press cannot refrain from personal attacks on Jinnah and from cartoons which probably cause him a good deal of annoyance. *Dawn*, Jinnah's Delhi paper which is edited by Pothan Joseph, a witty but bibulous Indian

[1] No. 24. [2] No. 47.

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Christian, has had a good many humorous digs at Gandhi and Rajagopalachari, and has also published some more serious articles supporting the "two nations" theory and deriding Gandhi's solution of the problem.

I have telegraphed to you my views about what should be done.[3]

5. The Associated Press and at least one Press correspondent reported that Syed Mahmud's release had been ordered on medical grounds. As I said in my last letter,[4] Syed Mahmud is a chronic invalid but, as far as I know, is no worse now than when he was arrested. The report was entirely unauthorised and the Associated Press have since corrected it. The correspondent's message was corrected with his consent. I hope no harm has been done at your end. There was a tendency here to refer to your very recent statement in Parliament[5] about the health of the members of the Working Committee and to say that as Syed Mahmud had been released on medical grounds, it was obviously inaccurate. We have not disclosed the fact that Syed Mahmud sent me a letter which came very near to recantation, but if there is any controversy it will be open to us to use his letter.

6. Hope has now sent me proposals[6] for the appointment of non-official Advisers. He would like to work with a mixed team, and has sent me a list showing how he would distribute the subjects. I shall have to consult you about this again after Hope's proposals have been examined by my officials.

7. I have telegraphed to you the draft of a possible statement on the Phillips affair.[7] I still think that if we dug our toes in, we might get away with it, though on the whole it may be wiser to make a statement and refuse to say any more. My External Affairs and Home Departments were anxious to release the full text of Caroe's telegram,[8] but I think this would be unwise. The draft approved by me admits that the Government of India informed His Majesty's Government, though not the United States Government, that they did not wish to receive Phillips again. Without this admission the statement would be of very little value and would only lead to further demands for the disclosure of the entire telegram. I shall no doubt have had His Majesty's Government's decision before this letter reaches you.

8. The note on the South African controversy, referred to in paragraph 6 of my last letter, has been delivered to the Union Government, and in acknowledging it Shafa'at Ahmad Khan has urged Khare to stick to his guns and to insist on counter-measures, including economic sanctions, if Smuts shows any signs of vacillation or evasion. Shafa'at Ahmad Khan is, in my opinion, a poor diplomat, and I shall be glad when he is relieved next January. Khare needs no prodding on this subject, about which he feels very strongly, and Shafa'at Ahmad Khan ought to realise much more clearly than he does the difficulties with which Smuts is faced. Our troubles in South Africa are, from our point

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of view, most important, but the Union Government have many other problems and Smuts must have a very difficult team to drive.

9. I approved a few days ago a long letter from the Commonwealth Relations Department to the India Office protesting against the Defence Immigration Regulations in Uganda, Tanganyika and Kenya. Like many Indian protests of its kind it could have been much better done. But there are limits to interference with departmental drafting, and when Khare wants a case stated in a particular way, I have in practice to leave it to him. The main Indian grievance is that earlier in the war Indian residents were encouraged to leave the East African territories, and shipping difficulties have since made it impossible for many of them to return. Under the Regulations issued by the three Governments concerned permits are necessary not only for new immigrants, but for persons who have been absent from East Africa for two years or more. It is believed here that the Regulations are intended to keep out even old Indian residents, and will also prevent Indian firms from replacing employees who die or leave East Africa. I am of course briefed only on the Indian side of the case and there may be another side to it; but the prejudice against Indians in East Africa is evidently strong and Indian suspicion is natural enough.

10. Another subject on which Indian feeling is running high is the control over land in the Kenya highlands. The latest regulations, though they do not discriminate in terms against Indians, are evidently intended to exclude them entirely from the highlands, and might even endanger the small Indian holdings acquired in the highlands thirty or forty years ago. Another protest on this subject is on its way to you.

[Para. 11, on civil aviation, omitted.]

12. Your letter of the 28th September[9] about the protection of the backward tribes raises a number of difficult questions which I am having examined by

[3] Nos. 39–42. [4] No. 37, para. 3.

[5] *Parl. Debs.*, 5th ser., H. of C., vol. 403, 5 October 1944, col. 1145. [6] No. 35.

[7] Tel. 1846–S of 8 October. The draft statement referred to the purported extracts from Phillips' report appearing in the press and stated that, while the Government of India could 'have no objection to the personal representative of the President reporting to President his views on India, whatever they may be', the publication of those views evidently compromised his position. The statement drew 'particular attention to the views attributed to Mr Phillips on Indian Army, and on the part likely to be played by the British Commonwealth in war against Japan', and concluded that 'for these reasons Government of India informed His Majesty's Government but not the Government of the United States of America, that they did not wish to receive Mr Phillips again'. Mr Amery replied in tel. 23516 of 19 October that since his previous telegram agreeing to the issue of a statement (see No. 37, note 4) the affair seemed to have become completely dormant in the United States and that a statement by the Government of India might well serve to revive controversy, during the critical American election period, on a topic which would otherwise be quietly forgotten; while recognising that the Government of India might need to explain its position to the Indian Legislature and public, Mr Amery therefore asked whether the statement could be postponed until after the American election. L/P&J/12/4629: ff 36–8, 55. [8] Vol. IV, No. 661. [9] No. 25.

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my Reforms Commissioner. I cannot see British Governments of the future spending large sums or making great efforts for the backward tribes; nor Indian Governments of the future willingly accepting British or international interference or supervision. If the backward tribes were isolated (as are largely the tribes on the Eastern frontier which are not dealt with in your letter) the position would be rather different. But many, and perhaps most of them belong to settled districts which cannot readily be severed from the Provinces or States. It is easy to work out theoretical measures of protection, but with autonomous Governments in power in the British Indian Provinces, it would be difficult to enforce them in practice. I will let you have my views separately as soon as I have considered the official advice I have called for.

[Para. 13, on passages to India for British women; and para. 14, on the succession to the post of Political A.D.C. to the Secretary of State, omitted.]

15. Before I left England I discussed with Bevin the possibility of getting technical personnel of the officer class trained for Indian industry in the United Kingdom. The Bevin boys have been a success, and it seemed that a scheme on the same lines for people of a much higher grade would be well worth while. Bevin was sympathetic, but for various reasons the scheme has hung fire at this end. Prior discussed it with Dibdin last June, and there has been some correspondence between Watson Smyth of the Ministry of Labour, and Lall of the Labour Department here. Watson Smyth has been helpful and wrote to Prior on the 4th July saying that he hoped to be able to make some suggestions shortly. On the 21st August, however, Runganadhan sent a personal and confidential letter to Prior saying that Bevin did not wish to commit His Majesty's Government by any public announcement at present and advising against any public announcement in India. We were hoping to get a scheme started before the end of the war and I am not sure what Runganadhan's letter implies. Could you make enquiries and let me know? I have no wish to make a request that may embarrass Bevin, but so far my feeling has been that we have been too slow in taking advantage of facilities which Bevin was only too ready to make available. Runganadhan's letter seems to suggest that the present Bevin scheme may be closed down. I hope that this is not so.

16. For the first time for many years I have been laid up for two or three days with a slight chill and temperature. Auchinleck presided for me on the first two days of the National Defence Council. I was sorry to miss Kashmir's short statement on his visit to the United Kingdom and Italy. The discussions have gone on quite well and interest in the Council's proceedings is maintained. There are still one or two people, notably Jamnadas Mehta and Cowasjee Jehangir, who are very long-winded.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

INDIA OFFICE, *12 October 1944*
Received: 19 October

I hope your indisposition which has compelled you to cancel your engagements for a few days is nothing serious and that the news of the final fixing up of the wheat programme for this quarter may have acted as a tonic. Everybody concerned in this Office has been working hard and Llewellin and Leathers have both been really helpful. I hope to bring French's report[1] before the Foodgrains Committee early next week, but it may well take two or three weeks before I can get definite sanction from the Cabinet for the kind of general statement which he advocates. French was very anxious that the general statement should precede the announcement of this quarter's shipping, but I don't think there is really very much in that. After all, the confidence inspired by the general statement will be greatly strengthened by the knowledge of what we have been able to do in the last 12 months.

2. I have been much exercised in my mind by your constitutional suggestions, both from the point of view of actual merits and also from that of the possibility of persuading the Cabinet to endorse them. I have put the general argument on both issues to you in my telegrams[2] and I don't know that I have much to add. What I think is important is to differentiate clearly between the body that frames the constitution and the body that finally ratifies it. It is quite obvious to my mind that the Party leaders have got into a position in which they are completely incapable of framing the constitution, and convening them, if indeed they agreed to come together, would simply mean a renewal of the futile Gandhi-Jinnah talks. The framing of a constitution really has to come from some body which is Indian, patriotic, and preferably with some practical experience. As you know, I have in the past discussed with you the possibility of setting up some sort of body of jurists or constitutional experts, to investigate the problem and produce a first draft. But such a body would be too academic and there are also advantages in not constituting a body *ad hoc* but in finding some existing body which could at any rate serve as a nucleus. It is from that point of view that the idea of the National Defence Council has appealed to me. It could always then be expanded by the addition of elements important from the point of view of reconstruction, industrial, social and military, and fortified by inviting a small panel of constitutional experts for

[1] See No. 23, note 2. [2] Nos. 51 and 52.

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information and suggestion. The more I think of it, the more I should be inclined definitely to exclude the Parties as such on the ground that they are incapable of framing a solution and that their function will come in when a draft constitution has to be submitted to a Constituent Assembly on the Cripps lines or such other body as may be recommended. It would have to be made clear, of course, that the Cripps condition of dissatisfied Provinces standing out will continue to hold good.

Merits apart, an initiative on these lines would, I think, have a much better chance of commending itself to the Cabinet. Winston himself three years ago had an idea of flying out to India, and inviting the leading public men of all communities to come forward and throw themselves into the war effort by saying that it was to them that the framing of the future constitution was to be left. This particular suggestion was on quite unpractical lines but there is at any rate enough in the underlying idea of using the National Defence Council and adding to it some of the leading service men, to commend itself to his mind more readily than your own suggestion. In any case, I don't believe he would at this moment look at any proposal which meant throwing the Executive Government of India into new and untried hands. My feeling indeed is, both from the point of view of the immediate future and from that of the ultimate evolution of an Indian constitution, to strengthen the authority and self-confidence of your existing Council. I do not believe myself that a Party Executive on British lines can work in India, at any rate at the Centre, and that there must be an Executive, however selected, independent of the Legislature during its tenure of office. Ultimately that may have to be an Executive nominated by Provincial Governments or elected by proportionate representation by the two Houses of the Legislature, or even personally selected by an elected trio representing Hindus, Moslems and Princes. In the meantime anything that strengthens in India the conception [of] an Indian Executive with its present independence of the Legislature, seems to me all to the good.

The process would, of course, be greatly helped if, as I suggested in my last letter,[3] it could be made clear that this Executive, even if subject to the Viceroy's ultimate power of veto, would be made independent of control from Whitehall. What I should like to do, as I said before, would be to announce the full independence of India under her present constitution, as a preliminary to any constitutional investigation. But I am not seriously suggesting that this is feasible at the moment, and all I can hope to do is to miss no opportunities, so far as the Cabinet will allow me, of laying stress on the extent to which India very largely enjoys Dominion Status already. If it were not for the control you exercise over the self-governing Provinces through the Defence of India Rules, I should certainly refuse to answer Parliamentary questions on Provincial subjects and hope I may be able to get back to that position when the war is over.

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When I said "I" just now, I meant of course the Secretary of State. The end of the war with Germany may very well hasten the break-up of the Coalition. The nearer we get to inevitable decisions on post-war policy, the greater the strain internally, and although the Labour Ministers are loyally doing their best to keep things together, their followers are increasingly eager for an election which they believe would mean a large increase in their Parliamentary representation. So you may well find yourself with some other partner at the London end before next Summer, whether a Conservative or a Socialist partner only the event can show.

[Para. 3, on politics in Sind, omitted.]

Later

I enclose two copies of French's report. What French has written does not seem to me to add much that is new to the arguments that month by month I have pressed upon my colleagues on your behalf, and if we had to depend solely on his written arguments, I should not be very hopeful. I am, however, not without hope that the weight of French's personal testimony, given orally to my colleagues, coupled perhaps with an expectation of easier shipping conditions next year, will carry conviction. Moreover Llewellin himself has never been as reluctant to be convinced as the other two, and if he now definitely takes our side I shall have a helpful ally in seeking to persuade Leathers. Cherwell is away at the moment in the U.S.A. I hope for the best and can at least look forward to a less grim task in the Foodgrains Committee than hitherto.

[3] No. 38.

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Note by Sir F. Mudie

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 91–4

13 October 1944

I have given the question of the "next move" considerable thought since I last discussed it with His Excellency on 1st October 1944.[1] I have also tried generally to elicit opinions while on tour. I have also discussed it at length with Mr. Menon in the light of Secretary of State's two telegrams of 10th October 1944.[2] I put my conclusions as briefly as possible below:—

(1) In spite of failure of Gandhi and Jinnah to agree, we must make some move.

[1] There is no record of this discussion in Wavell Papers, Political Series, or in I.O.R.
[2] Nos. 51 and 52.

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(2) We cannot bypass Gandhi and Jinnah.

(3) If Government were to make a move and fail the position would be much worse than it is. Frustration would increase; which might lead to desperate moves or, by the more moderate, to a demand for arbitration by United Nations, which would give an opening to America. We should, therefore, choose a course of action which offers the least chance of failure, even though it may not seem very heroic. What we want to do is to make a start that will be a proof of sincerity and indicate an alternative to the "deadlock".

(4) There seems to be two alternatives, namely by [*sic*] —

(*a*) for His Excellency to send for the leaders of the *parties* which in his opinion should form a coalition Government, and

(*b*) for His Excellency to call some sort of conference to consider what for the moment may be described as a way out of the deadlock.

(5) Alternative (*a*) above implies that if it is His Excellency's wish that the parties that will form a Government are the Congress, the League, Tara Singh's Sikh Party, and Dr. Ambedkar's Depressed Class Party, His Excellency should discuss the formation of the coalition with them and them only and that the discussion should be confidential and that, as far as possible, the object of the discussions should be confidential. I do not think that a Government composed partly of party representatives and partly of individuals is possible. It does not make sense.

(6) Alternative (*b*) implies a wider discussion and the intimation beforehand of the objects of the conference, etc. I do not think that it would be possible for such a conference to discuss the formation of a Coalition Government. The formation of Coalition Governments should be discussed by the leaders of the parties that will form it and by them alone. Outsiders cannot be formally brought in. It would, of course, on the other hand, be open to the conference to suggest to His Excellency that he should try to form a Coalition of certain parties, if they thought that there was any hope of that succeeding and being helpful.

(7) In my opinion action under paragraph 5 above would be unlikely to succeed and would be very dangerous. My reasons are—

(*a*) His Excellency would be asking Gandhi to go back on everything the Congress has said for years, including their letter rejecting the Cripps offer and the August Resolution. Gandhi's whole attitude has been independence first. The only time that he has considered an interim Government was when he sponsored the C.R. Formula. Even then he was very vague; and obviously did not like it. In his later formula he dropped the idea. Even the C.R. Formula did not, of course, suggest an

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interim Government under the present Constitution. Can we have any hope that, after the rebuff that Gandhi has had both from His Excellency and from Jinnah that at His Excellency's request and in order to collaborate with Jinnah he will recant a fundamental part of the creed which he tried to enforce by a rebellion, for supporting which nearly all his immediate colleagues are in jail?

(*b*) Jinnah might play—but on conditions. He would at once raise the question of what guarantee there would be that the formation of the Government would not prejudice Pakistan. He might get 50:50 in the Executive Council but what about the Legislative Assembly? (See paragraph 5 of Secretary of State's second telegram.) If Jinnah said that a certain proposal did prejudice the Hindu-Muslim question, would His Excellency in using his overriding powers agree to drop it? Would His Excellency agree to appoint members of the League suggested by Jinnah to the non-official nominated seats in the Assembly? I am sure that there are a very large number of questions which a man of his ingenuity might raise and that he would take the opportunity of pushing his two-nation theory to the utmost. Gandhi would resist all this. All this would be very awkward and would involve His Excellency in long discussions.

(*c*) I agree with Secretary of State that the izzat of the present Council would be affected. In fact, they would be deeply offended. As part of a communal settlement they would probably agree with a good grace: but not otherwise.

(*d*) The formation of a "party" Government would fundamentally alter the present Constitution, even though that remained unaltered on paper. His Excellency can now deal with members of his Council as individuals; he can replace one man by another without other members being concerned. If he cannot carry on with a Coalition Government he must get rid of the lot and there is no alternative. I agree with Mr. Menon that, if this happened, it would be practically impossible to get men like the present members to accept appointments on the Executive Council, which would then have to be formed of officials or nobodies. And that, in the eyes of everyone, would be a confession of complete and absolute failure. If parties are strong and well-organised as the Congress and the League are, I do not believe the "party" Government is compatible with overriding powers, unless of course, the parties accept the position, which the Congress certainly and the League, probably, do not. His Excellency and His Majesty's Government could use their overriding powers only in cases in which they were prepared to resort to a Government consisting of purely officials or nobodies. With, say, two more years of war before us, this would be most dangerous.

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(*e*) I also agree with Secretary of State that there is a chance of Government collapsing not because of the use by His Excellency of his powers but because of their internal quarrels. Again the only thing would be a Government of officials or nonentities.

(*f*) Generally I am very impressed by the arguments against the kind of Government that we would get advanced by the Secretary of State, who has inside knowledge of the workings of party Governments and in particular of Coalitions.

(8) There remains alternative (*b*) of paragraph 4 above which is in essence the Secretary of State's proposal and the proposal contained in my letter to P.S.V. of 1st October 1944.[3]

(*a*) I am still of opinion that for this scheme to have the maximum chance of success His Excellency should send for Gandhi and Jinnah first and ask for their co-operation and advice.

(*b*) The two great difficulties of this form of procedure are—

(i) the terms of reference, and

(ii) the composition of the conference.

(*c*) The terms of reference should be fairly broad and avoid committing India to one or more than one constitutions or constitution-making bodies. There should be no reference to the interim Government. On the other hand, it is not necessary to make any public pronouncement that there will never be any change. Things might so develop that this was possible. I suggest as terms of reference—

"To consider the future constitution of India and, if possible, to frame proposals therefor and to suggest the method of placing these proposals before the country."

This agrees with the Secretary of State's suggestion.

(*d*) Some of the difficulties of personnel might be got over by allowing the conference to co-opt members for particular purposes or to sit on Committees.

R. F. MUDIE

[3] There is no copy of this letter in Wavell Papers, Political Series, or in I.O.R.

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Mr Menon to Sir E. Jenkins

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 94–6

D.-o. No. R.-177/14 NEW DELHI, *13 October 1944*

My dear Jenkins,

I have now read carefully the Memorandum[1] of His Excellency and the comments of the Secretary of State in his telegram of the 10th October.[2]

2. Both His Excellency and the Secretary of State agree that the Government should not remain with folded arms till an agreement is reached between the Hindus and the Muslim League. A move has to be made, on that point there is unanimity of view.

3. The next question is what that move should be. On this there is a fundamental difference between His Excellency's and the Secretary of State's plans. Generally speaking, the Secretary of State's preference for leaving the position unchanged at the Centre cannot be reconciled with our repeated declarations that the Cripps offer still stands. Our policy hitherto has been to wait in expectation of a change of attitude on the part of the main political parties; and it is for this reason that the present Members of the Executive Council have been appointed on the understanding that they would have to give up their offices in case an agreement is reached.

4. There is, however, substance in the criticism of the Secretary of State that in the absence of agreement on fundamentals it will not be possible for the Executive Council to function harmoniously, a requirement which is essential especially at the present juncture. The Cripps proposal always contemplated prior agreement on the constitutional future.

5. As I understand it, His Excellency's plan certainly presupposes an agreement before the party leaders are taken into the Government, but they are not expected to come to an agreement on the fundamentals of the future constitution. These are left to be decided later by the constitution-making body appointed by the new Government after it comes into being. The criticism against this plan is that if the party leaders come into the Government without agreement on fundamentals they are likely to pull in different ways and that this will prejudice our war effort. As stated above, this criticism has certainly great force.

6. Up to the stage of the Bombay talks the public mind was concerned with an interim settlement. The Bombay talks have changed the political outlook; they have revealed an irreconcilable difference of opinion between the Muslim League

[1] Enclosure to No. 19. [2] No. 52.

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and the Congress. The public mind is now more concerned about the agreement between the major political parties on the constitutional future, the question of interim arrangements has receded into the background. It is to the task of promoting such an agreement that His Excellency's good offices should now be directed. We should endeavour not to leave the matter where Gandhi and Jinnah have left it, but take it up to see whether an agreement is possible.

7. For this purpose if we summon Gandhi and Jinnah alone it will not produce any fruitful results, we should invite other party leaders also. The Secretary of State's alternative will not bear any close examination. I need not elaborate the arguments against it; it will simply be not received favourably.

8. My suggestion is to summon a Conference of representative leaders of political parties and interests not exceeding 25 in number. The organised political parties will be asked to select their representatives, the number and details of which can be worked out later if the general plan is acceptable.

9. The Conference will meet under His Excellency's auspices. The purpose of the Conference would be to arrive at an agreement on the fundamental basis of the future constitution of India and, if there is an agreement, to suggest the composition of an expert Committee to draft a new Constitution and to draw up its terms of reference. When I say that the Conference will meet under His Excellency's auspices, I do not of course mean that His Excellency will guide its deliberations from day to day. What I have in mind is that His Excellency will address the Conference at its first meeting. Thereafter the Conference will elect its own Chairman and decide its own methods of procedure. The Conference, it should be understood, will submit a Report ultimately to His Excellency.

10. If the leaders of the Congress and the Muslim League are invited to sit in a Conference side by side with representatives of the Hindu Mahasabha, the Scheduled Castes, the Sikhs and other interests, the chances are that the duel between the Congress and the Muslim League will develop on a multilateral basis and that the extreme points of view now taken up by the two major parties might be somewhat rubbed down in the process.

11. Further action will naturally depend upon the Report which the Conference will submit to His Excellency, but if the Report reveals an agreement on fundamentals, the reconstitution of the Central Government should then present no difficulty.

12. It is unlikely that any of the political parties will refuse to accept His Excellency's invitation to the Conference. The announcement of the Conference will be made by His Excellency in a broadcast followed by invitation to the organisations to select their representatives.

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13. Even if the Conference should fail, the action of His Excellency would have amply justified itself, for the Government would have then absolved itself of the sin of inactivity and public opinion both in this country and abroad will rally to the Government side in support of its effort to secure a political settlement.

14. To sum up, my submissions are:—

(*a*) The Bombay talks have failed. It is a political mistake if we stabilise the deadlock. A move has therefore to be made.

(*b*) Such a move should be the summoning of a Conference of party leaders and interests under the auspices of His Excellency to see whether an agreement on fundamentals is still possible. Once there is an agreement on fundamentals, the drafting of a future constitution can be left to an expert body and the way would then be clear for the forming of a representative Government at the Centre.

(*c*) Unless there is prior agreement on the main issues of the future constitution, it will not be wise to touch the present Central Government.

Yours sincerely,
V. P. MENON

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
19 October 1944

Many thanks for your long and interesting letter[1] received here on 12th October. It was not dated, but, judging from other letters in the same bag, must have been written about the 3rd.

2. We seem to be back exactly where we were a year ago in our search for someone to relieve Raisman as Finance Member. I still think that the selection of a Canadian would be much resented and that, if Anderson has decided on a very casual acquaintance that Deshmukh is unsuitable, the solution may be to appoint Rowlands who is known and liked here, and would, in my opinion, fill the bill. I will write or telegraph about this separately. I have not yet spoken to Raisman.

[Para. 3, on the Washington leakage, omitted.]

4. You may be right in thinking that His Majesty's Government and the Dominions are unwise to press for an international organisation to control

[1] No. 38.

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civil aviation, though I should myself like to see international control, if at all practicable. The Americans would probably not care very much for your alternative, as I have no doubt that they expect to capture a good deal of the Indian traffic just as the Dutch did before the war. They will justify their attitude by saying that they are thinking primarily of American passengers and American freight and mails. But once they establish themselves, they will point out that it is to the advantage of India to make the fullest possible use of their services, which will certainly be both efficient and comfortable. Indian opinion will support His Majesty's Government and the Dominions in this matter, because India hopes one day to build up air services of her own and does not want foreign services to get too firmly established before her own services can get going. The Americans are in a very strong position, and I doubt if His Majesty's Government's views will prevail at the conference.

5. I will not at present comment in detail on the political plan outlined in paragraph 4 of your letter. I agree with most of what you say, but I am now considering the telegrams giving your official view and will deal with them separately.

6. Your reply about a passage for Kingsley Martin was what I expected, and if Firoz raises the point again, I will head him off. I quite agree with your views on visits by British business men to India. For the present, reasonable facilities should be given to individuals wanting to come to India. It would be a mistake to suggest that a delegation or mission should come out unless a proposal of this kind is put forward by our own industrialists.

[Para. 7, on Sir H. Derbyshire's complaints at treatment of High Court Judges in India; para. 8, on revision of Attachment Scheme; and para. 9, on the custody of the records of the Bombay Explosion Commission, omitted.]

10. I am glad you were interested in the memoranda and proceedings of the Governors' Conference. I agree that these conferences are useful. A good deal of outside discussion goes on, and Governors have a much better opportunity than they would otherwise get of comparing their own administrative standards with those in other parts of India. Casey informed me a few days ago that he proposed to hold an informal conference of his own with the Governors of Assam, Orissa, the United Provinces, and Bihar, on matters of common concern such as hydro-electric schemes. I am sure that any tendency for Governors, and Ministries where they exist, to look beyond their provincial boundaries is worth encouraging.

11. I thought French's report was a very good one, and have telegraphed saying that my Advisers and I are in general agreement with his conclusions. Srivastava gave Council on 12th October an interesting but rather gloomy account of conditions in the South where he had just spent about three weeks

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Cochin and Travancore have done very well, and firm administration has probably saved them from disaster. But the rice element in their ration, especially in Cochin, is quite inadequate, and people have had to rely far too much on tapioca which provides bulk but has very low nutritive value. Wheat is almost unknown in the South, and is used, if at all, only in the form of badly cooked porridge or gruel which the ignorant say causes cholera. Srivastava was particularly impressed by the poor condition of school children. In some places school meals are provided, but he found that many children came to school without breakfast and got nothing to eat until they went home in the afternoon. The Cochin and Travancore Governments have gone in for the most drastic procurement methods, and rationing is general and not confined to the towns. In the Malabar district, where conditions are similar, the Madras Government are just introducing general rationing. It is clear that we must give greater attention to the South and not let our energies be concentrated too much on Bengal. But how to get more rice is a puzzle. French's view on the state of administration in Bengal, though he says that his visit was too short for him to get more than a general impression, is much the same as my own. In the other Provinces one gets an impression of keenness and efficiency in the food administration which one does not get in Bengal. Casey is well aware of this, and if he gets Aldridge and the dozen officers from the Middle East about whom the Home Department have just telegraphed to you, he may be able to make an improvement.

12. I have mentioned in various letters India's strong interest in Palestine. I have already forwarded an official representation from the Sind Ministry,[2] and I believe another is on its way from Bengal. The interest is mainly sentimental and for that reason the War Cabinet may be inclined to disregard it. This would be quite wrong for the sentiment is genuine, and any settlement of the problem unacceptable to Muslim opinion might have very serious results in India. His Majesty's Government will do well to remember the Khilafat agitation and the trouble it gave after the last war. I shall be most grateful if you will keep a close watch on developments and give me an opportunity of commenting on any proposals that may be put up to the War Cabinet. I learnt entirely by chance that an important conference on Palestine was held in Cairo last August, at which I think India should have been represented, or at least informed of the results, which I do not know even now.

[Para. 13, on Stage II Lease/Lend; para. 14, on recognition of the National Institute of Sciences of India as India's leading representative society of that kind; para. 15, on measures against smuggling in Baluchistan; para. 16, on Lord Munster's visit; and para. 17, on the work of the National War Front in

[2] L/P&S/12/3356.

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the States and the relations of the States with Information and Broadcasting Department, omitted.]

18. I have not yet quite shaken off the illness which prevented my presiding on the first two days of the National Defence Council. My Surgeon seems to think I may have malaria, and though I am able to carry on with my work, I have been confined to my room for several days during the week. I was able to preside in Council on 18th October when War Service increments, Japanese Campaign pay and the pay of Indian Commissioned Officers were discussed. As I expected, my Colleagues protested vigorously but in temperate language against His Majesty's Government's failure to consult us before taking their decision on War Service increments and Japanese Campaign pay.[3] These pay increases cost Rs. 30 and Rs. 17 crores per annum, respectively, for His Majesty's Government's personnel alone. Members pointed out that the decision forces us into giving increases to our own personnel which might not be entirely justified on the merits and thus throws a fresh burden on India. Moreover, under the Financial Settlement, a considerable part of the expenditure sanctioned by His Majesty's Government without reference to India must be borne by the Indian tax-payer. Some Members suggested that His Majesty's Government should be pressed to modify the conditions for Japanese Campaign pay, and others that we should refuse to pay our share of His Majesty's Government's expenditure under both heads. I told Council that official and private protests had already been sent to you, but my Colleagues insisted—quite rightly, I think—on a formal protest being made by the Executive Council, and this will be embodied in an official telegram from the War Department giving Council's decisions.[4] There is no doubt that His Majesty's Government made Raisman's task unnecessarily difficult, in fact impossible. His Majesty's Government simply cannot go on disregarding Indian feeling and Indian pockets like this, and expect Council simply to sign on the dotted line. The whole proceeding shows a contemptuous negligence of India which will certainly not pay His Majesty's Government in the long run. I hope you will impress this on your Colleagues. My Colleagues realised, I think that it would be useless to press His Majesty's Government to modify a decision already made public, and that a refusal on our part to pay our share of His Majesty's Government's expenditure would mean very little. Even if His Majesty's Government agreed, the result would be still further to swell the Sterling balances, and the inflationary effect of the expenditure would remain. But they were very indignant at the way India had been treated.

Auchinleck and Raisman had agreed that War Service increments must be given to British officers serving with the Indian Army and to Indian Commissioned Officers. The point of difference referred to Council concerned the grant of increments to Viceroy's Commissioned Officers and Indian Other

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Ranks. Auchinleck favoured a scale similar to that sanctioned by His Majesty's Government for British Other Ranks, but proportioned to the Indian Army Pay. Raisman favoured a flat rate. Council by a large majority supported Auchinleck. They were influenced to some extent, I think, by their annoyance at His Majesty's Government's disregard of India, but on the whole I think the decision was right. On Japanese Campaign pay, the difference between Auchinleck and Raisman was more serious. Auchinleck urged that Japanese Campaign pay must be given to personnel of the Indian Armed Forces serving inside India as well as east of India, since His Majesty's Government had done this for British troops. Raisman quite reasonably pointed out that this would be wrong in principle, since the Indian Armed Forces are based on India and cannot properly be given Campaign pay while serving in their own country. Auchinleck insisted that Japanese Campaign pay should be given to British officers, both Regular and Emergency Commissioned, in addition to Indian Army allowance, to I.C.Os., and to V.C.Os. and I.O.Rs. (for these last he recommended a flat rate). Raisman argued that Japanese Campaign pay should not be given in addition to Indian Army allowance, but might be given in place of it to Emergency Commissioned Officers who draw Indian Army allowance at half rates. He was prepared to give Japanese Campaign pay to all Indian Commissioned Officers serving east of India, but not to V.C.Os. and I.O.Rs. who are already entitled to *bhatta* while on active service. Here again Council supported Auchinleck by a large majority. I think Raisman was right in principle, but the feeling was against him.

The case concerning the pay of Indian Commissioned Officers has been under discussion for a very long time, and I think you are fully aware of all the arguments. It began when I was Commander-in-Chief and I thought I had made a reasonable settlement, under which I.C.Os. were given the same pay as British Officers serving at home. Auchinleck told Council that this settlement involved discrimination and caused discontent. He pressed for the grant to Indian Commissioned Officers of the full pay now drawn by British Officers of the Indian Army excluding Indian Army allowance. Raisman, with support from Benthall and Mudie, pointed out that a decision in Auchinleck's favour might affect the pay of all the Civil Services, and that on a long view it would be most unwise to give officers of the Fighting Services better prospects than men in the Superior Civil Services. Council by a large majority supported Auchinleck.

The Chief was in a very strong position; he is the final authority on feeling and morale in the Indian Army, and the Indian Members of Council supported him throughout on the ground that as long as British personnel are employed in India, there must be no racial discrimination. On the temporary pay increases

3 See No. 14, para. 16 and No. 15.

4 Sent as tel. 8776 of 22 October via War Office. L/Mil/6/File 1255 of 1947.

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there was, as I have said above, strong annoyance at His Majesty's Government's attitude, and a feeling that as India was in any case to be saddled with a large share of an expenditure of Rs. 47 crores or so, there was little use in arguing about the expenditure of another dozen crores, mainly for the benefit of Indians. The decisions were inevitable though the one concerning the grant of Japanese Campaign pay to forces serving in India was, I consider, unsound. If we had been consulted beforehand, I am quite sure we could have reached a much more satisfactory settlement, and could have saved both British and Indian tax-payer a good deal of money.

19. Thank you for the explanation of how my private telegram[5] on the question of soldiers' pay came to be circulated. Private telegrams are sometimes shown at my end to Members of Council and Secretaries, but on the clear understanding that they are not to be referred to or quoted. Conditions at your end are rather different, and while I realise that you may wish to show some of my private telegrams not only to officials in the India Office but to your Colleagues, I hope you will safeguard the position that they are private and that references to them by third parties are not in order. If you wish to circulate a private telegram on other terms, I suggest that you first ask me to make it official. Otherwise I shall have to be much more circumspect both in wording and in contents, and in fact the whole basis of private telegrams rather falls to the ground.

[5] No. 15.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND SECRET

INDIA OFFICE, *19 October 1944*
Received: 26 October

The absence of any telegram from you on my counter-suggestions[1] for a possible constitutional initiative encourages me to hope that you have thought them worthy of serious consideration. Even if you had doubts about using the National Defence Council as such as the nucleus of your constitution-framing body, I still feel that the only kind of body really competent to draft—as apart from deciding upon—a constitution should be one nominated by yourself in which the various elements of India's national life, e.g., provincial governments, agriculture, the fighting services, labour, the depressed classes, &c., are represented in some correspondence to their intrinsic importance in the general scheme of things. I won't say more for the present, but shall await with the keenest interest your comments.

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2. Meanwhile, the Gandhi-Jinnah discussions have, I think, successfully killed all interest in this country. On the other hand, Beverley Nichols' book,[2] following upon the visit of Roy's emissaries, has thrown a very big brick into the somewhat muddy pool of Labour thought on India, and Sorensen & Co., are, I think, increasingly losing whatever little weight they had in Labour circles.

Wishful thinking by S. of S.?
W.

3. The Society of Friends have written to me asking that Miss Agatha Harrison should be sent out: apparently with some vague idea that her influence over Gandhi might solve the deadlock or help to ameliorate the food position. I propose to send a stiff reply pointing out that there are many hundreds of deserving people who have claims to go out and that I have no intention of trying to secure a priority for her. I am rather tired of the ridiculous self-importance of these people, who, because they gush over Gandhi as a pacifist, think that they can exercise a decisive influence in Indian affairs.

4. Sir H. French came to address the Foodgrains Committee a couple of days ago and made a very good impression. While admitting the many weaknesses of India's administrative structure, he paid high tributes to Hutchings and also to Srivastava as an administrator. The Americans, for electioneering purposes, are proposing that vast amounts, 100,000 tons or more a month should be sent to Italy, and that has roused both Llewellin and Leathers, who feel, very rightly, that India deserves priority over Italy, while Leathers also sees in Italy's demand an opportunity for telling the Americans that if Italy is to be fed they must find the shipping. Cherwell, happily, is still in America, and I hope in the next few days to have some sort of reasoned procurement *plus* shipping programme fixed up with Llewellin and Leathers which we can then present to the Chiefs of Staff to enable them to put forward a concrete demand in support of their general case that India must be fed if she is to serve as a base for the further prosecution of the war.

[Para. 5, on the State of Rewa; para. 6, on welfare of British troops in India; paras. 7 and 8, on military operations in Europe; para. 9, on possibility that Bhore Committee might not be dealing adequately with nursing organization in India; and para. 10, on mechanical transport in undeveloped countries, omitted.]

[1] See Nos. 51 and 52. [2] See No. 14, note 5.

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Sir F. Mudie to Sir E. Jenkins

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 97–8

TOP SECRET NEW DELHI, *20 October 1944*

My dear Jenkins,

Since I last wrote to you a week ago on the subject of His Excellency making a political move,[1] I have constantly been thinking over the whole question and have had a number of talks with Menon. I am even more strongly convinced than I was that some move must be made, but I have changed my previous opinion to the extent that I now agree that His Excellency should not first see Gandhi and Jinnah alone.

2. I feel that a move limited to the formation of a party coalition Government now would be a failure and that, even if it were not, and such a Government formed, it would, in the present state of feeling between the communities, not be likely to last long. The Secretary of State's reaction is unfavourable and, if pressed by His Excellency, there is the risk of the Cabinet turning the proposals down. That will make the position even worse.

3. If then we are to make a move what is the safest course which will protect His Excellency's position and would not be open to the objections raised by the Secretary of State? In the present political situation the best course appears to be for His Excellency to summon a meeting of representatives of the main bodies, the selection of representatives to be done by the parties themselves, with the following terms of reference:—

> "To arrive at an agreement to enable the leaders of the principal sections of the Indian people to participate in the Government of their country and in the counsels of Commonwealth and of the United Nations under the present constitution and to enable a start to be made in the framing of a new constitution for India".

You will see that the terms of reference follow closely the wording of clause (*e*) of the Cripps proposals.

4. The papers which I enclose[2] strengthen my view that a conference summoned by His Excellency will be favourably received in the country and if His Majesty's Government are honest in their declaration of 1942 they cannot possibly have any objection to this move. It does not commit His Excellency or tie the hands of His Majesty's Government. If the conference succeeds in producing a workable agreement, we have gained everything. If it fails the credit of having moved in the matter will be still His Excellency's.

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5. Perhaps His Excellency would like to discuss at my interview on Monday?

Yours sincerely,
R. F. MUDIE

[1] Presumably No. 55. [2] Not in Wavell Papers, Political Series, or in I.O.R.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 407

PRIVATE *22 October 1944*
TOP SECRET

15–U. Your private telegrams 809[1] and 14–U[2] of 10th October. Political situation. I have dealt with your objections to my plan, and with your alternative solution, in official telegram being despatched to-day.

2. I appreciate your difficulties and agree immediate reference of my plan to Cabinet would almost certainly fail.

3. I am now writing personal letter to Prime Minister, taking his directive to me as my text, and reviewing progress made in complying with it during first year of my Viceroyalty. I shall state, without going into details or making specific proposals, principles which should, in my view, guide H.M.G. in dealing with India. This letter will probably go by bag of October 26th, with copy to you. We had better await Prime Minister's reactions before moving further. Please therefore keep my plan to yourself and officials immediately concerned and do not (repeat not) refer it to Cabinet at present.

[1] and [2] No. 51.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 196

IMPORTANT NEW DELHI, *22 October 1944, 8.55 pm*
TOP SECRET *Received: 22 October, 7.45 pm*

1949–S. Superintendent series. Your 22607.[1]

1. I had naturally taken into full consideration the objections you urge before I submitted my proposal. There are risks to the course I have recommended

[1] No. 52.

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but it is quite impossible to make progress toward political settlement without taking risks. I will deal briefly with your apprehensions which are those I foresaw.

2. Undoubtedly there is risk that an Executive Council composed of politicians might obstruct war effort. I do not believe they would do so actively or maliciously but they might hinder it by putting forward social or economic projects incompatible with whole time prosecution of war. I should have to satisfy myself before forming (? Government) that there was genuine intention fully to support war effort. C.-in-C. was entirely in agreement with my proposal and was not apprehensive of effect on war effort.

3. Attempts might be made to sabotage Government by new Council after it was formed. It might intrigue with Legislature. It might break up our[2] composition of constitution making body. These are risks which have to be faced. I would not propose to commit His Majesty's Government or myself to dealing with body of irresponsible politicians and would not submit names for His Majesty's approval unless I felt they would act reasonably in furtherance of war effort and India's interests. If Government did break down I should hope to re-form Council on present model.

4. Attempt to form new Government would upset present Executive Council. This is possible but again it has to be faced. Council have always been aware that attempt to form political Government is possibility and hold office on the understanding that Governor-General may ask for their resignations at any time. One Member at least has lately urged me in private letter to attempt to form political Government. Inadequacy of present Council in handling matters of long term importance such as sterling balances and post war reconstruction is I believe recognised by all Members. Also you must not forget that enlargement and Indianisation of Executive Council involved certain risks which increase as time goes on. It is not easy now for Governor-General or Secretary of State to over-rule Council and we have in fact transferred to Indian hands considerable power without corresponding responsibility. It is wrong to assume that present conditions are entirely safe and satisfactory.

5. Proposed conference would fail and would leave us in worse position. This would depend on wording of announcement and handling of conference. If His Majesty's Government insisted on an unfriendly or discourteous approach we should I agree only make matters worse. But if I were permitted to deal with parties so as to convince them and the public that His Majesty's Government really want a solution there would be reasonable chance of success and I do not think failure would worsen position.

6. You objected that my proposal does not require preliminary agreement between leaders on constitutional future. It is because such an agreement is

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manifestly impossible that I have made my proposal which is based on belief that only by period of working together on India's common problems is there any hope that politicians may arrive at solution of communal problem. It is hoped that realisation of India's problems and their power to help in their solution will have sobering effect on those who without responsibility put forward wild schemes. This has commonly happened in practically all countries and did so to large extent when Congress took office in 1937.

7. You say Jinnah would demand that all Moslem members of transitional Government should be nominated by him. This would be matter for negotiation. Actually owing to shortage of talent in League Jinnah might nominate one or more of such as Firoz Khan Noon or Azizul Haque or one of present Moslem premiers.

8. Genuine attempt at solution on my lines might involve release of Working Committee at any time. I would resist release until (a) it appeared that parties would support war effort and (b) conference looked like succeeding. If Gandhi wished to nominate one of Committee as member of conference it would be necessary to release him.

9. I am afraid that I regard your alternative as quite impracticable. It would get us nowhere and I could not agree to implement it. However much His Majesty's Government may dislike Congress and Moslem League and their leaders Gandhi and Jinnah (? they) hold keys of situation and cannot be bypassed. They would control any elections held, they control the press, and Congress has financial support from nearly all the wealthy men of India. During the last year I have sought earnestly for any signs of any party or any attempt to form one which would have slightest chance of success (? besides)[3] Congress but am convinced that there is none and no prospect at present of one coming into being.

10. I think above deals with your main points. There is much force in them but risks will have to be taken if we are in (sic ? to) avoid serious disaster in this country at the end of the war. It is not my opinion alone but that of Commander-in-Chief, Home Member and all eleven Governors that an early move is necessary. This constitutes weight of opinion that His Majesty's Government can hardly ignore. If we remain passive we may very probably be faced by fresh move by political parties which may prove embarrassing and lose us initiative. Home Member agrees to principle of move but thinks I should simply hold conference to consider measures necessary to enable leaders of political parties to participate in administration and start to be made with constitutional plan. I regard direct attempt at communal solution which

[2] Wavell Papers, Political Series, have 'over'.
[3] Wavell Papers, Political Series, have 'successfully opposing'.

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conference of this kind might involve as quite impracticable especially in the light of recent events. Academic discussion of constitution or treaty would not strike Indian imagination and would not be fruitful. Proposal I have put forward seems to me best prospect of solving deadlock, and to have sufficient chance of success to demonstrate our sincerity.

11. Please take no action to place before Cabinet until I write or telegraph again.

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Minutes by Mr Gibson, Mr Patrick, and Sir D. Monteath

L/P&J/8/520: f 195

U.S.S. *23 October 1944*

I presume the Viceroy's telegram will be discussed and that I will be given instructions if drafting is required. It is for consideration in the first place whether the argument is to be carried further with the Viceroy before the communication promised in his para. 11 is received.

The Viceroy is evidently determined to see his plan through. It is an impressive argument that a soldier-Viceroy and his Commander-in-Chief are not afraid of the war effort being disorganised by the proposed transitional government. But presumably neither is eminent as a politician and their feeling of assurance may rest more on pious hopes than on insight into the behaviour of an unholy alliance of Indian party leaders. In para. 10 the Viceroy claims that H.M.G. cannot ignore a unanimous view of himself, the C.-in-C., Home Member and all Governors that an early move is necessary. But the unanimity does not extend to the precise nature of the move.

It seems to me that the Cabinet would not be satisfied that the Viceroy has dealt convincingly with the criticisms of his plan suggested in the Sec[retar]y of State's telegram. It is a questionable assumption that if his conference reached agreement he would be free to ensure that his transitional government contained only politicians who would be loyal to the war effort. It is still more questionable that if the transitional government broke down he could reform his Council on the present model.

Para. 4 rather suggests a defeatist view of the present effectiveness of the Viceroy's veto. Para. 5 had better be passed without comment![1] Paras. 7 and 8 deal very feebly with the points as to the nomination of the Moslem members in the transitional government, and to the question of the time and terms of release of the Working Committee.

Para. 9 deals very summarily indeed with the Secretary of State's suggestion which incidentally did not definitely postulate the exclusion of Congress and

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the League from the constitutional discussions. The Viceroy says they hold the keys of the situation and cannot be by-passed. Who said "The belief that H.M.G. are prepared to by-pass one of the major parties if they can do so would be salutary"?[2] (See para. 6 of the Viceroy's 1819-S[3] of 5th October, Pol. 6973).

J.P.G.

Sir D. Monteath
P/S

Mr Gibson's analysis is penetrating. But I imagine that S/S will await receipt of the promised memorandum[4] to the P.M. before telegraphing again. S/S's counter proposal could only succeed if worked with the Viceroy's whole-hearted support.

P.J.P.

No doubt S/S will wish to discuss this tel[egra]m and I hope Sir R. Maxwell may be shown it and his comments be invited.

There is one thing that it might be worth while to do, as an interim measure. As Mr Gibson points out the Governors, C.-in-C. and Home Member agree that *some* move should be made: none has expressed an opinion as between the Viceroy's scheme (of which they have not been informed) and S/S['s] suggestion (of which they have no knowledge). I should value the opinion of, in particular, Sir H. Twynam, Sir M. Hallett and Sir J. Colville. Would it not be as well to ask Ld W. to *send for* and discuss with them?

D.T.M.

[1] Sir D. Monteath inserted here: 'Para. 6 seems to be a simple assumption that if the V. is left to handle the preliminary conference communal apprehensions about the future will disappear.'
[2] Mr Turnbull minuted here: 'But not both!' [3] No. 39. [4] See No. 60, para. 3.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P & J/8/520: f 194

IMMEDIATE INDIA OFFICE, *24 October 1944, 6.30 pm*
TOP SECRET
23891. Your 1949-S[1] of 22nd October.

1. I will await your letter to Prime Minister and take no action meanwhile.

2. I venture to suggest however that unless you have done so already you should consider consulting some of your leading Governors on your actual

[1] No. 61.

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proposals. I have particularly in mind Hallett, Twynam and Colville, and also Glancy in view of crucial position of Punjab in the constitutional issue and in the war effort. I gather that while Governors at the recent Conference were in favour of a move, you have not taken their views on your concrete proposal or on the alternative I have propounded. Your predecessors in making large proposals of this sort have usually made known to H.M.G. the views of the leading Governors. Even if some of them may differ from your proposal they may have useful suggestions as regards details. The Cabinet will I think want to know what the views of the principal Governors are and I should also like to know their reaction to my alternative proposal.

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Field Marshal Viscount Wavell to Mr Amery

L/P&J/8/520: ff 144–58

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
24 October 1944

My dear Leo,
I enclose a copy of my letter to the Prime Minister, which is in this bag. You will find nothing new in it, but I thought it right to set out in my own words and at some length my views on the Indian problem, and the end of my first year as Viceroy was a suitable occasion. The P.M. will naturally consult you on receiving it, and as a result of our telegraphic correspondence I hope we shall have reached agreement as to the proposals to be placed before the Cabinet, if the P.M. is not actively hostile. I can, if necessary, fly home for consultation.

I doubt if anyone could work in India for any length of time without coming to the same general conclusions as I have. There may be differences of opinion about timing and other details, but unless we show a sincere desire to solve the problem, to change our attitude towards India, and to take risks in doing so, I am convinced we shall jeopardise our whole position in the East.

Yours,
ARCHIE

Enclosure to No. 64

24 October 1944

My dear Prime Minister,
I have now completed one year in the high and responsible office for which you did me the great honour of recommending me to His Majesty; and I feel

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I should write and give you some account of my stewardship and of the views I have formed on the present and future of India.

I propose to write entirely freely and frankly, as I know you would wish. I have served you now for over five years and we should know one another reasonably well. I know you have often found me a difficult and troublesome subordinate, I have not always found you an easy master to serve. But I think you realise that I have always served loyally—and I may say with unqualified admiration for your courage and your strategy—and that I have always told you the truth as I saw it without fear of consequences. I propose to do so now.

I will begin by saying that my primary reason for writing is that I feel very strongly that the future of India is the problem on which the British Commonwealth and the British reputation will stand or fall in the post-war period. To my mind, our strategic security, our name in the world for statesmanship and fair dealing, and much of our economic well-being will depend on the settlement we make in India. Our prestige and prospects in Burma, Malaya, China and the Far East generally are entirely subject to what happens in India. If we can secure India as a friendly partner in the British Commonwealth our predominant influence in these countries will, I think, be assured; with a lost and hostile India, we are likely to be reduced in the East to the position of commercial bag-men.

And yet I am bound to say that after a year's experience in my present office I feel that the vital problems of India are being treated by H.M.G. with neglect, even sometimes with hostility and contempt. I entirely admit the difficulty of the problems, I know the vital preoccupations of the European war. I agree in the main with what I think is your conviction, that in a mistaken view of Indian conditions and in an entirely misplaced sentimental liberalism we took the wrong turn with India 25 or 30 years ago; but we cannot put back the clock and must deal with existing conditions and pledges; and I am clear that our present attitude is aggravating the mischief.

May I give you a few instances of what seem to me a neglectful or unfriendly attitude to India and her problems.

I read the proceedings of the meetings of the Dominion Premiers. India, one of the most vital problems of the Commonwealth, was hardly mentioned, either from the strategic or political point of view.[1]

At the last big debate on India in the House of Commons, I am told that there were hardly ever more than 40 members present.[2]

In spite of the lesson of the Bengal famine, I have had during the last nine months literally to fight with all the words I could command, sometimes almost intemperate, to secure food imports; without which we should undoubtedly be in the throes of another famine, and probably of uncontrolled

[1] Cf. Vol. IV, No. 572. [2] Mr Amery noted: 'Friday and a good sign in some ways'.

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inflation, since without these imports I could hardly have held food prices from soaring as they did last year.

The recent increases of soldiers pay, which have added some £50,000,000 to our inflationary position, already precarious, and a considerable part of this sum to the Indian taxpayer's burden, were introduced without any consultation of India at all, or even warning; though we could have suggested means of easing the burden both for the British and Indian taxpayer; and Indian Members of Council would have felt no resentment if they had been consulted in advance.

The obloquy now being heaped on India for the lack of amenities for soldiers is mainly due to disregard of repeated requests during the past three years or more for doctors, nurses, medical comforts, and goods of all kinds.

Having got that off my chest, I will try to give you a picture of the Indian problem as I see it.

I will take as a text the directive you gave me on October 8th last year,[3] before I left for India. This directive required me, in brief:

(i) to see to the defence of India against the Japanese;
(ii) to rally all classes to the support of the war effort;
(iii) to establish and maintain the best possible standard of living for the largest number of people;
(iv) to appease communal differences; and
(v) to make proposals for political advance as occasion warranted, subject to the demands of (i) and (ii) above.

The background of conditions in India is very well known to you; but I think it is worth while to recapitulate it briefly to show how it has affected the war organization. By 1939 the Provinces of British India enjoyed a great measure of autonomy; the power of the Central Government had been much weakened both in law and in practice; and control by H.M.G. had almost ceased in the Provincial sphere and was less effective than formerly in the Central sphere. Since Federation had not been achieved, the Indian States were linked with British India only through the person of the Viceroy as Crown Representative.

Meanwhile the Services had been rapidly Indianised, and new responsibilities had been added to their already multifarious activities by the increase of attention to such subjects as public health and education. The administration of India had always been extremely light; Indianisation had not increased its efficiency, and the new burdens tended to make the administrators distinctly over-worked, with the result that some part of their duties was almost inevitably neglected.

These conditions were not conducive to vigorous or decisive action in war-time. Though war-time legislation made it possible in theory for the Central

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Government to dictate to the Provinces, it could impose its will only through Provincial agencies, and could enforce only the simplest prohibitions and directions. It was impossible to ensure that an unwilling Province would consistently apply the policy of the Centre in such matters as food distribution, growing more food, controlling prices and so forth. Though the resignation of the Congress Ministries reduced these difficulties to some extent, the Section 93 administrations are still bound to reflect public opinion and local sentiment.

The enlargement of the Executive Council and the appointment of a majority of Indian Members was essential to the war effort, but did not make the administrative task of the Governor-General easier. The machine has always been very slow and cumbrous, and the additional strains thrown on it by the war have tended to make it even slower; while many of the senior British officials, on whom efficiency largely depends, have not been home for many years, and are tired, and some of them are disheartened.

When I took over, my predecessor had, with great skill and patience, kept this ramshackle machine running and had tried to gear it up to the additional strain of the war effort. But efficient war administration, on anything approaching the British model, was and is quite out of the question. In the political sphere, he had by prompt and energetic action weathered the serious rebellion of 1942; but there remains a deep sense of frustration and discontent amongst practically all educated Indians, which renders the present arrangements for government insecure and impermanent.

On the first two tasks given in your directive, I have carried on my predecessor's work, to meet the development of the campaign. The S.E.A.C. has been firmly established; and Mountbatten has expressed his complete satisfaction at the support in men and material given to the 14th Army during the recent operations on the Eastern frontier; and in the preparations made for future plans. Transportation is perhaps our most serious single problem; and we also need special help to improve the welfare of British troops. The strain on Indian economy generally is serious; and additional burdens without relief in other directions will risk a breakdown.

The third task in your directive concerned standards of living, and is a most difficult and complicated problem. The Bengal famine of 1943 was a very serious disaster, and disclosed the weaknesses in our food administration. These weaknesses are due partly to an absolute shortage in a country which is permanently under-nourished; and partly to the human qualities of fear, selfishness, greed, and provincialism. My chief aims in food administration during the past year have been to restore confidence, to improve the procurement and distribution of food, to extend rationing, and to get more food grown. It was absolutely essential to secure food imports on a large scale, and I am afraid I had to be importunate about this, since my first requests were received with

[3] Vol. IV, Enclosure to No. 172.

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much the same astonished incredulity as Oliver Twist encountered on a well known occasion. I have tried to break down provincialism, both by personal visits to all Provinces, and discussions with those concerned in food administration; and by conferences of all the Governors. I think I can claim a certain measure of success; for example, I induced the Punjab to accept both rationing and price control[4] after their Ministers had publicly announced that in no circumstances would they do anything of the kind. And there is certainly a great deal more confidence throughout the country, than there was a year ago, with a very wholesome effect on prices. With the help now being accorded by H.M.G., we should be able to hold the food position, but only just. We are, and shall remain, on a knife-edge until normal trade conditions are restored. The danger areas are at present Bengal, parts of Madras, the Travancore and Cochin States, and the Bombay Deccan; at the moment the Travancore and Cochin States and the Malabar district of Madras form the most urgent problem. The difficulty, almost impossibility, of persuading the rice-eating South to eat the hard Northern grains will be well known to you, and you will realise how it complicates the problem.

Apart from the food problem, I have endeavoured to stimulate planning for post-war development over the whole administrative field, both in industry and agriculture, so as to secure a better standard of living for the Indian people; and I have appointed a special additional Member of Council to deal with the problem. This is an immense task, perhaps impossible of accomplishment under the present Government of India. Success will require either complete autocracy on the Russian model, or effort and self-denial of a kind only possible under imaginative and popular leadership. Indians have not so far shown themselves any keener than other people on austerity and high taxes. But I think I can claim that the Government of India is stimulating ideas in the direction of development as far as is possible.

The fourth and fifth tasks you gave me together constitute the political problem. I cannot claim to have made any progress with them, but they are of vital importance. The following seem to me to be the essential factors of the problem:

(i) When we started, 20 or 30 years ago, on the political reform of India, we laid down a course from which we cannot now withdraw. It may have been a mistaken course, and it would probably have been better to have prescribed economic development first; but I am afraid it is too late to reverse the policy now. And the general policy, of giving India self-government at an early date, was confirmed not long ago in the Cripps offer.

(ii) Nor do I think that in any case we can hold India down by force. Indians are a docile people, and a comparatively small amount of force

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ruthlessly used might be sufficient; but it seems to me clear that the British people will not consent to be associated with a policy of repression, nor will world opinion approve it, nor will British soldiers wish to stay here in large numbers after the war to hold the country down. There must be acquiescence in the British connection if we are to continue to keep India within the Commonwealth.

(iii) India will never, within any time that we can foresee, be an efficient country, organized and governed on western lines. In her development to self-government we have got to be prepared to accept a degree of inefficiency comparable to that in China, Iraq, or Egypt. We must do our best to maintain the standards of efficiency we have tried to inculcate, but we cannot continue to resist reform because it will make the administration less efficient.

(iv) The present Government of India cannot continue indefinitely, or even for long. Though ultimate responsibility still rests with H.M.G., H.M.G. has no longer the power to take effective action. We shall drift increasingly into situations—financial, economic, or political—for which India herself will be responsible but for which H.M.G. will get the discredit. We are already in the position that Indian Members of Council have a controlling voice, and are increasingly aware of their power. The British Civil Services, on which the good government of the country has up till now depended, might almost be described as moribund, the senior members are tired and disheartened, and it will be extremely difficult after the war to secure good recruits.

(v) If our aim is to retain India as a willing member of the British Commonwealth, we must make some imaginative and constructive move without delay. We have every reason to mistrust and dislike Gandhi and Jinnah, and their followers. But the Congress and the League are the dominant parties in Hindu and Muslim India, and will remain so. They control the Press, the electoral machine, the money bags; and have the prestige of established parties. We cannot by-pass them, and shall be compelled in the end to negotiate with them along with representatives of the less important parties. Even if Gandhi and Jinnah disappeared tomorrow (and I do not think that Gandhi today would be described by Insurance companies as a good life) I can see no prospect of our having more reasonable people to deal with. We have had to negotiate with similar rebels before, e.g. De Valera and Zaghlul.

(vi) When we should make any fresh move is a difficult problem. I am quite clear that it should be made some considerable time before the end of the Japanese war. When the Japanese war ends, we shall have to release

[4] See Vol. IV, Nos. 230 para. 9, 238 para. 11, 250 para. 3, 259 para. 8, 267 para. 7.

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our political prisoners. They will find India unsettled and discontented. Food will still be short; demobilization and the closing down of the war factories, and overgrown clerical establishments, will throw many people out of employment. They will find a fertile field for agitation, unless we have previously diverted their energies into some more profitable channel, i.e. into dealing with the administrative problems of India and into trying to solve the constitutional problem. We cannot move without taking serious risks; but the most serious risk of all is that India after the war will become a running sore which will sap the strength of the British Empire. I think it is still possible to keep India within the Commonwealth, though I do not think it will be easy to do so. If we fail to make any effort now we may hold India down uneasily for some years, but in the end she will pass into chaos and probably into other hands.

(vii) To be effective any move we make must be such as to capture the Indian imagination. If India is not to be ruled by force, it must be ruled by the heart rather than by the head. Our move must be sincere and friendly, and our outlook towards India must change accordingly. I am prepared to put up proposals for a move, which will involve risks, but which I think constitute the best chance of making progress.

What I have in mind is a provisional political Government, of the type suggested in the Cripps declaration, within the present constitution, coupled with an earnest but not necessarily simultaneous attempt to devise means to reach a constitutional settlement. Amery knows my views, and I drafted a paper for the Cabinet, which I have asked him to withhold for the present.

But the real essential is a change of spirit, a change which will convince the average educated Indian that the British Government is sincere in its intentions and is friendly towards India. It will not be easy to do, there is a very deep-rooted feeling of suspicion to overcome, but certain steps could be taken which would help to reduce the mistrust and enmity now generally felt. In fact, if we want India as a Dominion after the war, we must begin treating her much more like a Dominion now. If certain measures, which I would suggest, were taken by H.M.G., and I were permitted within a policy approved by H.M.G. to try and convince India of British sympathy, I believe it would be possible to effect a considerable improvement.

I should like to add that the view that something must be done before long is not merely my opinion. It is the considered opinion of the Commander-in-Chief, of all eleven Governors of the Provinces of British India, and of all the senior members of the Services with whom I have discussed the question. I do not think H.M.G. can afford to ignore the entire weight of British official opinion out here.

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If the Cabinet is opposed in principle to any move during the war, I think a clear statement to that effect should be made so that we may all know where we stand. But if it is a matter of timing and of method my advice is entitled to due weight. I think the failure of the Gandhi-Jinnah talks has created a favourable moment for a move by H.M.G.

It is easy to condemn any plan for betterment of the Indian situation on the ground of risk or probable failure. If we are to make any progress, we must take risks and be prepared for failure; but a move made generously and honestly, even if it failed, would do good.

I have, as you know, no axe to grind. I did not seek this appointment or wish it; but since I have been placed in a position of such immense responsibility for the future of the British Commonwealth which we serve, I am bound to place my views in front of you; "without partiality, favour or affection".

Yours sincerely,
WAVELL

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Minutes by Sir C. Kisch, Sir D. Monteath and Mr Baxter

L/P&J/8/520: ff 190–1

24–25 October 1944

If I may be allowed to express an opinion, there is one point on the Viceroy's proposals the possible consequence of which I should like to emphasise.

Assuming that the preliminary conference, aiming at the formation of a transitional government (from which the official element, apart from the C.-in-C. will have disappeared) was successful, the possibility (some might say, probability), exists that the scheme would break down either on the appointment of the Constituent Assembly or on its inability to produce an agreed or workable plan for the future constitution.

In that case we should have compromised the position at the centre against which the only apparent result would be the demonstrated failure of the Indians to come to conclusions among themselves.

In the case of India, as experience has shown, it is only possible to go back when a crisis has occurred, e.g. the Section 93 provinces. It would seem, therefore, that until there was a breakdown of some kind, the Indian centre would have lost its present core with the various disadvantages pointed out by the Secretary of State, and H.M.G. would have played this card of re-organising the centre in the direction of greater Indianisation with no corresponding positive constitutional gain. In other words, the card would seem to have been played prematurely and without due effect. It is suggested that a modification

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of the centre should not be considered except as part of the future constitutional set-up, when it would naturally form part of the new arrangements. This argument would point to the necessity of maintaining the present centre with its official element until (*a*) the Japanese war has been won and (*b*) the Constituent Assembly has produced a workable plan. On this basis any move to be now made would be limited to discussions with Indians for the purpose of bringing them together to consider the future form of constitution. If this succeeds, well and good. If it does not, then H.M.G. would have to do something about it, but we should start from where we are now, and not from where we should be if the Central Executive is modified in advance of the Constituent Assembly.

C.K., 24.10.44.

Sir C. Kisch has put his finger on the point on w[hic]h Ld. Wavell's original proposals (before he assumed office), to which he now in effect reverts, were rejected.[1]

His thesis is that as the Cripps negotiations and the Gandhi-Jinnah conversations—the first of which stipulated prior agreement about the future constitution, and the latter were solely concerned with it—both proved infructuous there is no prospect of advance if that agreement is required as a pre-condition; the only hope of getting agreement is by getting the political leaders to work together and rub their corners off against each other.

But as Sir C. Kisch observes this course involves surrender of control at the centre (for an Executive Council composed of party leaders would in fact not be controllable by any "extraneous" G.G.) without any assurance that agreement as to the future would result.

D.T.M., 24.X.

The Viceroy's reply[2] does not appear to me to go any distance towards meeting the grave objections to his scheme raised in the Secretary of State's telegram of 10th October.[3] When grave risks are pointed out he can only say that you cannot get anywhere without taking risks. Similarly, a danger which might prove fatal to the proper prosecution of the war is not shown to be non-existent but "has to be faced". There is a general atmosphere that all will be well if the Viceroy is allowed a free hand. What is lacking is a realistic attempt to show that the objections raised are either misconceived or are less than those applicable to any alternative course of action.

In addition to the criticisms in the Secretary of State's telegram and that set forth in Sir C. Kisch's note of 24th October, I think some emphasis can be put on the following points:—

(i) The Viceroy points out that the latest expansion of the Council, whereby there is a majority of Indian public men thereon, has meant that

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Parliament and H.M.G., while unable to shed their ultimate responsibility for what happens in India, have largely parted with their power to influence it. The difficulties and dangers inherent in such a situation would be vastly enhanced under the scheme now proposed.

(ii) It must be admitted that the expansion of the Council, considered as an essay in appeasement, secured disappointingly small dividends.[4] The precedent suggests doubt whether the similar but more unpredictable step now envisaged would be likely to earn substantial benefits in the way of goodwill and co-operation. Indian politicians have shown themselves adepts in the practice of grabbing all concessions offered and giving nothing in return but using the new status quo as a jumping off ground for further bargaining.

(iii) It is surely an illusion to suppose that if the negotiations for setting up the proposed Government fail—or if there is failure at a later stage, e.g. by deadlock within the Government, by paralysing of the Governor-General, or by failure to set up constituent machinery—we shall still at all events be given credit for having made a determined effort towards political progress in India and been frustrated through no fault of our own. It should prove quite easy for the other parties concerned so to steer matters that whatever breakdown occurs would appear to be the direct result of intransigence on our part.

(iv) There is nothing in the public record of the leaders on either side in the Indian controversy to lead one to suppose that they will gladly prefer half a loaf to no bread.

G.H.B., 25.10.44.

[1] See Vol. IV, Chapter 2. [2] No. 61. [3] No. 52.
[4] Mr Amery noted here: 'I am not so sure'.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
25 October 1944

Many thanks for your letter of 12th October.[1] I have telegraphed[2] separately about the political situation and need add nothing at present except that, in my view, we shall not make much progress unless we get the political parties to co-operate, and that the prospects of their doing so, though bad, are perhaps not quite as hopeless as you seem to think. I believe that most educated people

[1] No. 54. [2] Nos. 60 and 61.

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are very tired of the deadlock and ashamed of the futility of the Gandhi-Jinnah discussions. There have been no important new developments. Gandhi seems to be thinking of a fast, but has received no instructions from his "inner voice" to begin it.

2. There is no great change in the food situation. Hallett is still having trouble in the United Provinces with procurement and prices, and recently suggested to Srivastava that there might be local free trade by road only between the Western United Provinces and the Eastern Punjab. Srivastava has turned this down. Many landowners are in favour of free trade, and if once the Food Department abandoned the principle of provincial controls, we should have clamour from the Punjab Government, and possibly other Governments, for a general change. Cunningham also has told Srivastava that he would like free trade between the North-West Frontier Province and the Punjab. This proposal is on a rather different footing as it might be possible to throw the six districts of the North-West Frontier Province into the Punjab for purposes of control. Srivastava has not yet committed himself, but I think he will refuse.

Thank you for the two printed copies of French's report. I agree that he did not tell us anything new, but it is a good report all the same, and assembles the arguments well. Its main value is that it comes from an unprejudiced observer who is not under the influence either of the India Office or of the Government of India; and possibly Whitehall will be more inclined to listen to it than to the obviously uninformed recommendations of the Viceroy.

3. We are in for a difficult time over South Africa. Shafa'at Ahmad Khan's telegrams do not help much, for he is so carried away by his feelings that he seldom gives a clear analysis either of events or of the legislation to which he objects. It seems, however, that the Natal Ordinance, as amended by the Select Committee, departs in certain respects from the Pretoria Agreement, and there is already bitter feeling here about it. I have warned you privately that Khare will almost certainly bring the matter up in Council before the Assembly meets and that my Indian colleagues will insist on our taking a strong line. Shafa'at Ahmad Khan has recommended his own recall—he was due to go next month and we recently extended him up to the end of January. He is no diplomat and has, I am afraid, been an unfortunate choice as High Commissioner. I believe he has political ambitions on his return, and I dare say he thinks that his recall as a defiant upholder of Indian rights will give him a good start.

4. Thank you for your telegram about our statement on the Phillips incident.[3] If we make no statement until after 7th November—and I am agreeing to this—we may be able to avoid making a statement at all. I had disallowed the adjournment motions and the questions before your telegram arrived. The South African business will probably attract a good deal of attention in the

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Legislature and it may be that the Phillips incident will be forgotten. I shall have to consult Sultan Ahmed, the Leader of the Assembly, and mention the matter in Council before a final decision is taken. Sultan Ahmed is away and will not be back until 29th October.[4]

Merrell has informed the External Affairs Department that he is returning to the United States immediately on a short holiday but expects to be back after Christmas. The Department have the impression that Merrell was greatly upset by the Phillips incident and thought the disclosure of the report and the treatment Phillips received most unfair. They doubt whether he will return to India.

[Para. 5, on passages to India; para. 6, on conditions of service for Indian seamen; para. 7, on extension of Sir H. Twynam's term as Governor of the Central Provinces; para. 8, on future employment of General Wood; and para. 9, on Lord Munster's recommendation of free air mail letter cards for troops in India, omitted.]

10. I have telegraphed to you about the suspension of the Bevin Boys Scheme.[5] I doubt if Bevin realises how popular the scheme was in India and what a useful link it has made between this country and the U.K. Bevin's personal interest in the scheme and obvious sympathy with the Indian boys has had a great deal of publicity, and we all hoped that the scheme would be continued at least until the end of the war when it might be replaced by something of a more permanent kind. I realise the great difficulties of importing Indian boys for training during your transitional period. But the numbers are not very large, and if we cannot get technical people trained in the U.K., there will certainly be a demand for their training elsewhere—in the U.S.A., for example. We seem to be making a little progress with the scheme for the training of higher technical personnel, but the Departments here are slow and I have had to point out to them that they must take early decisions if we are to get people to the U.K. in time for courses beginning next January and February.

11. I have your letter of 10th October[6] about a possible Conference on the World Security Organisation. I am taking advice on it, and will let you have my views as soon as I can. This will be the first of a series of conferences at

[3] See No. 53, note 7.

[4] In telegram 2107-S of 15 November, Lord Wavell informed Mr Amery that the Assembly was showing no interest in the affair and that, unless something unforeseen happened, no statement would be issued. L/P&S/12/4629: f 4.

[5] Tel. 1942-S of 21 October requested Mr Amery to ask Mr Bevin to continue the scheme if he possibly could. L/PO/10/18: f 88.

[6] Alerting Lord Wavell to the need to start to consider the composition of India's delegation to the prospective Conference of the United Nations on the establishment of the World Security Organisation. L/E/9/1525: f 460.

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which the uncertainty about India's future will be most embarrassing. We shall probably be able to select a suitable Prince, but it will not be easy to find representatives of British India who will carry great weight here.

12. I presented four Victoria Crosses and one George Cross at a parade in front of the Red Fort on the morning of 24th October. The parade, like the last one, was very well done, and attracted a considerable crowd.

13. I have had a talk with Rowlands since he returned from London. He seemed in very good form and told me that it is believed in Whitehall that a General Election on party lines is inevitable in the early part of next year. This agrees with your warning that there may be striking changes in the composition of the Cabinet before the middle of next year.

14. Mountbatten has been here for two or three days staying with the Chief. I have had a long talk with him and he gave me the news of his recent trip to Cairo. We have had Sir Ronald Cross staying in the House. His aircraft was delayed and he arrived 48 hours later than we originally expected.

15. I seem now to have shaken off my go of malaria but, on my Surgeon's advice, cancelled the first part of my tour to the North-West. I had intended to visit Baluchistan and the North-West Frontier Province as well as the Punjab, but now intend to go to the Punjab only, early in November. My doctor was probably right as although I might have got through without mishap, it would have been a great nuisance to have been caught with fever at Quetta or Peshawar.

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Sir B. Glancy (Punjab) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/247: ff 27–8

SECRET GOVERNMENT HOUSE, LAHORE, *25–26 October 1944*

No. 532

Politically the breakdown of the Gandhi-Jinnah talks has been the dominating feature of discussion. Hindus, as Your Excellency has suggested in your last letter, have no doubt been seriously shaken by Gandhi's manoeuvres. Some individuals, with whom I have discussed his approach to Jinnah, have even gone so far as to suggest that he is suffering from insanity in his old age. But the Congress papers as a whole are inclined to continue their expressed admiration for his statesmanship. If they have put him back on his pedestal, this does not mean that they have abandoned the right to criticize him should he lead

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the community into danger again. The Sikhs led by Master Tara Singh still continue to denounce the Pakistan theory and to complain that Gandhi did his best to betray their interests. We have recently released from detention a few prominent Akalis whose sympathies were largely with the Congress, but it seems unlikely that their views will have any serious influence on the feelings of the Sikh community in general. Their release has been most unwelcome to the communists, who are still inclined to side with the Muslim League. In Muslim League circles Jinnah is applauded for his steadfastness in failing to agree to Gandhi's proposals, but there is considerable disappointment at the failure of the conversations. It seems likely that the League Party in the coming Assembly session next month will muster in all about thirty, out of whom about one-third are old opponents of the Unionist Party and the rest new adherents. The Leaguers are having some trouble in deciding about the leadership of their party and it is rumoured that this position has been offered to Nawab Mushtaq Ahmad Gurmani, though he is still sitting on the fence and it is doubtful whether this offer will be sufficient to induce him to leave the Unionist benches. Dissensions have arisen among the members of the Punjab Muslim Students Federation and so far the Leaguers have not benefited much from their activities.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 405

PRIVATE *26 October 1944*

TOP SECRET

16–U. My telegram 15–U[1] of October 22nd. Letter to Prime Minister goes by bag of October 26th with copy to you.[2] Have told him what I have in mind is provisional political government of kind suggested in Cripps declaration coupled with determined but not necessarily simultaneous attempt at constitutional front,[3] that you know my views and that I have asked you not to refer them to the Cabinet at present.

2. The most important point in my letter is a plea for change of spirit on British side. If I can convince your colleagues that India is really important and that we can retain our influence here only by action which by past standards would be (? regarded omitted) as risky and unorthodox I shall have accomplished something. I will telegraph separately on certain measures which I consider should be taken to indicate change of spirit. They may be considered

[1] No. 60. [2] No. 64. [3] 'constitutional settlement' in Wavell Papers, Political Series.

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drastic, but I think matters have reached stage where only drastic remedies will cure.

3. Prime Minister will of course consult you. I hope we shall have reached some measure of agreement by then, and if Prime Minister is not actively hostile shall be able to place proposal before Cabinet. If necessary I am quite ready to fly home for discussion.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 406

PRIVATE *26 October 1944*

TOP SECRET

17–U. My 16–U, October 26th. The sort of measures I have in mind which would help to change the atmosphere here are as follows.

(*a*) Declaration by Prime Minister himself that it is definite intention of H.M.G. to give India self-government as early as possible. He could add that the greater measure of co-operation that political parties in India give, the earlier the change-over is likely to be.

(*b*) Declaration that H.M.G. does not intend to repudiate her debt to India though method and extent to which repayment may be made will require discussion.

(*c*) Gift or transfer against sterling balances of some ships to India to help her present transport problem.

(*d*) Promise of modern ships for Indian Navy at the end of the War.

(*e*) Enhancement of status of Indian High Commissioner and transfer to him of some of the business now done in the India Office.

(*f*) Raising of the status of Indian representative in the United States to Minister.[1]

(*g*) You have yourself in your letter undated received October 12th[2] suggested transfer of responsibility for Indian affairs from India Office to Dominions Office. This would I believe have considerable psychological effect especially if there was some relaxation of control.

2. I will leave it to you to comment on these proposals and how far and at what stage in any discussions that take place they should be brought forward. But I am sure it is essential to try and change the atmosphere and I think you should know what is in my mind.

[1] Cf. Vol. IV, Chapter 8. [2] Cf. No. 38.

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Note by Sir B. Glancy

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 108–10

26 October 1944

I fully agree that something should now be done to relieve that feeling of frustration from which politically-minded Indians are suffering and to minimise the chances of disturbances after the War when we may be in none too good a position to deal with such developments.

2. For the following reasons I am not personally inclined to favour an attempt to set up a reformed transitional Government at the Centre as contemplated at the present juncture:—

(1) I doubt whether, in spite of what certain Congress folk may say, advanced opinion in India is very greatly concerned about such transitional arrangements. I think that most people are reconciled to the fact that in view of His Majesty's Government's war responsibilities something approaching the present machinery at the Centre must for the time being continue. What primarily interests Indian politicians is the setting up of a permanent post-war constitution with as little delay as practicable.

(2) I consider it unlikely that either Congress or the Muslim League would accept the contemplated offer unconditionally. Jinnah's conditions would very likely be (*a*) that Pakistan must first be conceded, and (*b*) that no Muslims outside the Muslim League should be approached or taken into account. Such conditions would be obviously unacceptable.

(3) But, whether Jinnah co-operated or not, the invitation to the Muslim League on the lines proposed would, I feel, produce a devastating effect in the Punjab. It could not fail to give the impression that the Muslim League was the only section of Muslims to which Government attached importance. (Firoz Khan Noon's inclusion would make no material difference: he is not conspicuous for his staunchness, and would soon wobble over to the League.) The shares of the League would in this way be forced up and many who have been wavering would desert the Unionist cause. Non-Muslims would be greatly perturbed. Khizr's position would tend to become impossible and I think it not unlikely that he and his colleagues would resign. As the Secretary of State's message[1] suggests, they would have many bitter comments to make on the sacrifice of those who have consistently supported the war effort and

[1] No. 52.

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the preference given by His Majesty's Government to those who have opposed or hindered war activities.

I need not dilate on the other objections which the Secretary of State has put forward. They are plainly deserving of very serious consideration.

3. The immediate move that I would prefer is that an invitation should be issued to all recognised political bodies of any importance, great or small, to send their representatives to attend a Conference the object of which would be to propound a scheme for the fulfilment of His Majesty's Government's pledges in the matter of constitutional development at the earliest possible moment after the conclusion of the war. I recognise that we should make no motion to bypass Congress or the Muslim League. An invitation should in my opinion certainly be extended to these bodies as well as to others: should they decide to decline the offer and bypass themselves, this would be a matter for regret.

It would be well, I think, to attach to such invitations a request that, if possible, the organisations concerned should forward in advance a statement of their proposals couched in sufficient detail to enable the practical working of their schemes to be appreciated and thus to accelerate the proceedings. The Chairmanship of the Conference might, I suggest, go by rotation, once the proceedings had begun in earnest. I do not see much practical advantage in trying to build up this conference on the foundations of the National Defence Council. As it stands this Council cannot be held to carry sufficient weight, and, though it might be reinforced in advance, there would be an unnecessary delay in bringing about this development. But I see no reason why existing Provincial Ministries or Provincial War Boards and possibly defunct Ministries in Section 93 Provinces and any other suitable parties should not also be invited to send their representatives.

One variation would be to engineer that a demand for such a conference should be put forward by "Liberal" politicians: other bodies, such as for instance the Punjab Ministry, could very likely be induced to subscribe to this demand.

It appears, I admit, extremely doubtful whether the Muslim League or the Congress would accept an invitation to attend a conference of this nature. The same would be equally true if the alternative plan were adopted. But, whereas such a refusal might well result in another complete deadlock under the alternative plan, in the case of a general conference, progress should still be possible. There would be something tangible to which politically-minded India could apply its attention. Concrete proposals of value might emerge. And even in the absence of Congress or the Muslim League various schemes for the partition of India could still be analysed, and it is to be hoped that a lurid light might be thrown on their impracticability.

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I would lay very great emphasis on a point that I endeavoured to make recently at Delhi—and that is the intense danger that lies in the crude Pakistan theory. The more one considers this theory the more fantastic—and the more ruinous to Muslims and all other interests—does it appear to be. No one can deny the possibility of political unrest after the end of the war, but I can think of no more alarming menace to peace, so far at least as the Punjab is concerned, than the pursuit of the Pakistan doctrine. Any serious attempt to carry into effect this idea in the Punjab with its bare Muslim majority and its highly virile element of non-Muslims means that we shall be heading direct towards communal disturbances of the first magnitude. Hence I maintain that we should do our utmost to expose the fallacies involved by any such doctrine: we should try to wean Muslim opinion into acceptance of equal or adequate representation at the Centre, while endeavouring to persuade Hindus that they should be prepared to pay this premium for unity and security. A general conference should help towards bringing into the limelight the inherent flaws in any scheme of partition and might in this way prove of very material value. The onus should thus be clearly thrown on Jinnah and his followers to expound their position. At present their cry is—Give us Pakistan and we will then explain its working. Illogical as this may be, it is too much to expect that Punjab Unionists or any other dissentient body composed mainly of Muslims will, as things stand at present, come out into the open and give a direct challenge to Pakistan.

B.J.G.

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Mr Amery to Field Marshal Viscount Wavell

L/P&S/13/981: ff 48–59

SECRET INDIA OFFICE, *26 October 1944*

My dear Wavell,

I have been considering in consultation with my Advisers, your letter of August 9th, No. F. 681/2/G.G./43,[1] about the Indian States. As you say in your first paragraph, we both fully recognise the difficulty of reconciling our commitments to British India with our commitments to the States; we also agree that, despite it being formally open to the States to stand on their treaty relations with the Crown, and despite this having been put to them by Cripps as a practicable alternative, the only way out of the present impasse which would promise the Rulers some guarantee of security and ourselves an honourable

[1] Vol. IV, No. 634.

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quittance of our obligations towards them would be for the States to find their place somehow or other in the Indian Union of the future. Your paragraphs 2–4 point unmistakably to the conclusion that we cannot expect the Rulers, left to themselves, to work out their own salvation. Nor I think can we safely leave to chance the destiny of so large a part of India which it is not possible to dispose of either by Parliamentary enactment or by the bestowal on its inhabitants of freedom to exercise an option under democratic forms of procedure. It should be self-evident to the Rulers and their Advisers that the day is past for the survival of small political units in isolation, even when they can rely on a firm guarantee of security from a strong Protecting Power. Economic considerations alone should compel all Governments to seek close ties with their neighbours and the development of common interests to such extent as will enable them to weather the storms which have overwhelmed so many larger units throughout the world. I have therefore been again turning over in my mind the question whether the time has not come to give the Rulers of the States, and particularly the smaller States, a stronger lead than we have done hitherto indicating to them frankly our conception of their destiny in the future India and the means which, in our view, they should adopt in order to achieve it and to escape the dangers which beset them. I shall elaborate later in this letter the reasons which can be given for thinking that, if such a pronouncement is to be made at all, it should be made without delay. Here I will only emphasise the desirability of acting while we still have the machinery of the Political Department to reinforce any declaration of policy and to supervise its execution, especially in regard to the points mentioned in the following paragraphs.

2. The first question to consider is the form in which those States which are too small to qualify individually for admission to the future Indian Union could be associated with other units for this purpose. I do not feel able to lay down any absolute criterion to determine what States should be included in this category. The best illustration which occurs to me of what seems appropriate is that a State of the class of which Rampur is an example, with a revenue of over Rs. 50 lakhs, might, for the present at any rate, be left administratively and politically intact, in spite of its isolated position in the middle of the United Provinces. In the case of a conglomeration of such fairly large and wealthy States, such as exist in Rajputana and Kathiawar, the necessary degree of co-operation might take the form suggested in paragraph 6 of the memorandum prepared by Fitze before the Residents' Conference last December[2]—namely that their Rulers should delegate to some local but central organisation powers sufficient to deal with matters of all-India interest. It is to be hoped that this unifying organisation would develop into a joint unit which could accede to the Union.

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3. The problem of what is to become of States smaller than these would no doubt be much simplified if one could evolve and apply to each and all one uniform solution. I have hitherto been most drawn, as was Linlithgow, to that of absorption of the smaller States in those larger ones which seem assured of survival. But I admit that for geographical reasons alone this cannot be a universal panacea and it is clear that we need to keep our minds and those of the States open to any alternatives which have been tested or which promise to work. There are in fact, as I see it, three courses open, viz., (*a*) real group co-operation; (*b*) some degree of absorption in a larger State; and (*c*) some degree of absorption in a British Indian Province. In some cases the choice as between these remedies will be dictated by geography. Where more than one course appears practicable (as in the case of the Deccan States) there may be advantage in leaving the choice to the Rulers concerned.

4. The extent to which the development of a joint unit, for constitutional purposes, could be consummated in the case of smaller States by means of co-operative grouping has, I am inclined to think, been underrated, for instance in paragraph 4 of Wylie's note for the Residents' Conference. The way of those concerned to create and foster grouping is, I know, hedged with difficulties. Voluntary groups are obviously exposed to fissiparous tendencies and the defection of one State must disintegrate the whole organisation. Nevertheless for a large number of small States remote or alien from any big State or Province, grouping seems the only way of creating a unit of administration such as could be recognised as an entrant to an Indian Union. Something of the sort has been developed in a smaller milieu in the Federation of Shan States in Burma. I would not labour the analogy for there are many points on which it would break down. But the cardinal feature was the creation of a Federal Council (which it is true was only consultative) dealing with matters of common interest—communications, education, and so forth—for the development of which each State contributed according to its means to a Federal Fund, with the result that the Federation assumed a corporate and more or less self-sufficient entity qualifying it to stand up constitutionally against the Government of Burmese Burma. Some comparable result might be hoped for from the group co-operation of neighbouring small States in India. Progress towards it can no doubt be achieved only by joint administrative action by the units, under guidance; and a preliminary problem of great importance is how the guidance should be afforded. While I do not dispute Wylie's view—which was endorsed by the Conference—that the functions of joint officers must (except in the judicial sphere) be merely advisory and not executive, it appears to me that there are a number of ways in which their position can

[2] The Residents' Conference of 6 December 1943 on Small States with special reference to attachment and co-operative grouping. Papers relating to the Conference are on L/P&S/13/981. See also Vol. IV, No. 264.

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and should be strengthened. In the first place it seems important to insist upon the stipulation that if their advice is not acceptable to a Darbar it shall be incumbent upon the latter to refer the matter to the Resident, whose decision shall be final. This should clothe the advisers with the necessary modicum of authority. Secondly, the joint advisers should have the right to attend meetings of the various State Councils, or the right of access to Dewans, whenever matters of importance to the respective departments in which they are concerned are for decision. In particular they should participate in budget discussions. (Compare the position of an Inspector-General of Police in a Province which, in other than disciplinary matters, is largely advisory rather than executive). Thirdly, there should be safeguards to provide that the joint officers shall be persons of real ability and experience. The standard of experience and therefore of seniority and therefore the expense must of course vary in proportion to the resources of the group; but it is to be hoped that, in the Police sphere, for instance, the adviser would be an officer of the general status and capacity of a D.I.G. in British India. Finally, I feel strongly that any new pronouncement intended to secure co-operative grouping on a satisfactory basis should insist upon the application of the system to all the major departments of administration. I should regard Revenue as next in importance to Judicial and Police, and the Ramadhyani Report regarding the Eastern States seems to constitute a valuable guide for further action in this sphere. Further it seems of first importance that a Financial Adviser should be appointed since, except upon a sound financial structure, no administrative improvements can be built.

5. If these conditions can be fulfilled, and if the joint officers are kept on an advisory basis, there need, I should have thought, be no insuperable difficulty about their relationship with the Dewans; a certain amount of friction between the local heads of departments and the Dewan might arise from the probable tendency of the former to look to the advisers to back up requests for expensive improvements. But it could be made obligatory for these to consult their financial colleague before recording their recommendations.

6. I imagine that the employment of officers of the status described in paragraph 4 above would be within the financial capacity of any co-operative group which could fairly claim to become a self-contained administrative unit. The appointment of serving officers on deputation might indeed be impracticable on financial as well as on other grounds, but recently retired officers should ordinarily be available on moderate salaries. If the financial resources of States are going to be unduly strained at all, it will be by the cost of the improvements which the joint officers (some of whom at least may be counted upon to increase the State revenues, e.g., in the field of Forests and Excise) are likely to insist upon, e.g., in providing equipment and raising salaries, rather than by the cost of their own emoluments. One way of relieving

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temporary financial embarrassment in the poorer States of a group might be by loans made from a Group Fund maintained by contributions from all the participating States in proportion to their population. (Here again some analogy may be drawn from the case of the Federated Shan States.)

7. Turning to courses (b) and (c) in paragraph 3 above, I am prepared to believe that course (c), though on political grounds many Rulers may be inclined to look askance at it, would be much more likely to increase efficiency. Apart from the fact that administration in Provinces is generally on a higher level than in States, it is to be feared that agreements between a larger and smaller State might frequently be affected by private compacts between the two Rulers which, whether aimed to secure the latter's prestige or his personal finances, would defeat the purpose of the agreements. Departmental officers of the larger State would also be more prone than Provincial Heads of Departments to avoid unpleasant differences of opinion with Rulers.

8. On the other hand it is at least open to question whether Provincial Governments, especially when under Congress or Nationalist Ministries, would be prepared to afford the necessary co-operation. Firstly they might argue that their departmental heads cannot spare time from their Provincial duties to inspect and advise in States, and secondly there may be reluctance to do anything to oblige or prop up a system (i.e., the system of hereditary Rulership) of which they professedly disapprove. The first difficulty might perhaps be surmounted by means of the payments which the States (presumably on a population basis) would have to make for the services rendered. For instance those payments might suffice to justify some increase in the Provincial cadre of D.I.G.s or Judges. The second difficulty may be more formidable. But it is to be hoped that experience would show that the advantages of co-ordination and common interest as between neighbours and the opportunity afforded to the Provinces to get some kind of legitimate footing in an area with the affairs of which they cannot but be concerned, will turn the scale in favour of co-operation.

9. In order that the Province or larger State, as the case may be, and the smaller State may together form a single unit capable of acceding to an Indian Union, it would seem eventually necessary for the Ruler of the smaller State to make a formal delegation to the larger unit of certain of his ruling powers. A beginning however might be made on the general lines laid down in the recent correspondence regarding the Kolhapur jagirs and the Kathiawar-Gujarat attachment scheme—that is to say the appointment of departmental heads from the larger unit in an advisory capacity, coupled with provision for a reference to the Resident when advice is not accepted. (His functions would presumably, when the larger unit is a Province, be discharged by the Governor in some personal capacity as in the case of Assam and Manipur.) The provision

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contemplated in the relevant correspondence for a considerable degree of *gratis* facilities by the larger unit to an impoverished State might sometimes be more difficult to obtain from Provinces but is perhaps more likely to be readily conceded by most larger States.

10. For the purpose of inducing the smaller States to accept arrangements of this kind, they might be advised that in their case there seems little or no prospect of separate Instruments of Accession being accepted by an Indian Union from units below a certain calibre. Other considerations which might weigh with them are (a) a joint declaration by the smaller and the larger unit that their subjects would be equally eligible for appointments to the public services of both; and (b) a similar declaration facilitating the admission of the subjects of the smaller State to all educational institutions in the larger unit. (It is understood that such arrangements are already in force between certain Provinces and States adjoining or surrounded by them.) Lastly, it should, I think, be made clear on the part of larger States or Provinces that they intended so far as practicable to maintain the integrity of small States and the prestige and general position of their Rulers except to the extent that these were affected by the necessity to entertain really expert advice in departmental matters. No doubt in course of time a full merger of some of the small units in the State or Province with which they had been linked would become inevitable. But there seems no reason to threaten such a development in advance.

11. As I have hinted at the beginning of this letter, however, I am beginning to feel that, in the light of experience during the last few years, we cannot expect States or indeed Provinces seriously to adopt any of the three courses I have discussed unless we give them a much stronger lead than hitherto. In other words, it may be desirable that an early and authoritative pronouncement should be made defining the attitude of the Paramount Power in the matter of its obligations towards the Rulers and its intentions in regard to bringing their administrations up to a standard which could be regarded as worthy of survival and protection. Such a communication would of course have to deal in some detail with the charge that it involved a breach of pledges; but on this point I consider that we have a better case than is generally supposed. Firstly, there is the indisputable historical fact that the letter of no treaty can remain eternally and unconditionally binding in the face of changing circumstances; and here we could take our stand on the principles enunciated by Linlithgow that "nothing which is inherently incapable of survival should be artificially perpetuated" and "what is protected should be worthy of protection". Secondly, the great majority of the States most affected by the revised policy cannot point to specific treaty obligations on our part, the assurances which they enjoy being mainly the fruit of usage and sufferance applied to them on the analogy of the greater States. It is true that the very

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widely distributed Canning Sanads of 1862 express the desire of the Sovereign of Great Britain that the governments of the Sanad-holders "shall be perpetuated". But the assurances then given had a very special context and the expression of a "desire" does not amount to the formulation of a perpetual guarantee. I would also remind you that I am not suggesting that even small States should be obliterated, but that they should preserve their essential integrity and a degree of administrative power and influence worthy to be described as that of a Government, within the larger sphere in which they are to be incorporated. Finally we can use the argument that some degree of absorption and centralisation is essential for the building up of large units suitable for inclusion in a new Indian Union on an equal footing with British Indian Provinces. The Princes will have to be reminded that the other party in the negotiations relating to accession to the Union will no longer be the Crown but the other elements which go to make up India itself; and in such a process no small State could expect to negotiate on anything like an equal or favourable footing even if it were a practical proposition for so many units to obtain a separate hearing. In order, therefore, to secure the desired effect, it is in the joint interest of their Rulers and inhabitants that the process of consolidation of States should be carried out before the All-India negotiations begin.

12. It is of course arguable that a considerable proportion of the smaller States—i.e., those with a revenue of only one or two lakhs—can never be made worthy of survival and will eventually have to cease to maintain a separate existence. For the present, however, this question might, I feel, be left to the practical test of the co-operative and other methods now advocated; if the experience of expert advisers should eventually prove that in very small units the necessary reforms and improvements are unattainable, the case for their complete absorption and the cancelling of their separate guarantees will be very much stronger than it is today.

13. There remains the question of the psychological moment for making the suggested pronouncement. Setting aside for the moment the great difficulty involved in getting the Cabinet to consider this most complicated problem during, or even soon after, the war, everything would seem to point to the desirability of a frank statement of our position at the earliest possible date. In view of the pride which the Princes not unreasonably take in their war record, it would be unfortunate if our pronouncement were regarded by them as an ultimatum presented by us in the flush of a victory to which, in their measure, they have contributed. In truth it is one of the lessons of the war which all who run may read; for as I have said in paragraph 1 above, a necessary consequence of the war has been to put out of date the conception of very small independent political units and to make mutual adjustments between all States a condition of their survival. It would be more suitable, therefore, that

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the pronouncement should be presented in this light and should precede the end of the war, and if it did its disheartening effect might to some extent be subsequently softened by a generous and comprehensive distribution of war rewards such as was made after the war of 1914–1918. To many Princes such things matter more than anything else. Secondly, a solution of the States problem is clearly an essential preliminary to any satisfactory solution of the Indian problem as a whole. The proceedings of the Cripps Mission have left an impression that nothing but an agreement between the Congress and the Muslim League now stands in the way of self-government for India; whereas the truth is that even if these two parties were to reach agreement we should still—unless the issue were forced by an irresistible movement of public opinion—be faced by a problem which would keep about half the area of India outside such a settlement and make anything like a prosperous and unified India a practical impossibility. Thirdly, the present situation vis-a-vis the Princes is so unsatisfactory that it ought to be terminated with the minimum of delay. The assurances we have given them—some quite recently—are on record and little or nothing can be gained by merely abstaining from repeating them. In paragraph 9 of your letter of 22nd December[3] last you described the uneasiness of the Princes and how they suspected us of dishonesty. In the meantime we have had to make it clear that the Western India and Gujarat attachment scheme will not be compulsorily introduced outside that area: while even within it we are about to make very important modifications in the scheme in face of the opposition of those concerned and of the Princes generally. Thus we are losing rather than gaining ground, and the process seems likely to continue until we call a halt by proclaiming our conclusions and intentions. Having regard to the comparatively small portion of "Indian India" which would be really adversely affected—even from its own point of view—by the policy suggested, and to the fact that the sentiments of this faction have come to derive an exaggerated importance through the machinery of the Chamber of Princes, I cannot believe that the effects of an honest and logical statement of such policy would be at all catastrophic. On the contrary, it should arouse genuine satisfaction in many important quarters not only in this country and among the United Nations but in such reasonable centres of public opinion as exist in India itself.

14. I recognise that what I have suggested in this letter constitutes a departure from the policy worked out in the recent correspondence between us. On the other hand that policy was at best only provisional, and we are agreed that it is fundamentally illogical and perhaps even dishonest. I shall therefore be most interested to know your views on these tentative suggestions for its revision. It would of course require the presentation of a very strong case to induce my colleagues to approve action liable to be represented in certain

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quarters as a betrayal of our best friends in India. But it could also be put to them that the maintenance of the status quo has now become impossible on economic and general political grounds irrespective of the prospects of an Indian constitutional settlement in the near future and that it has become our duty as Paramount Power to review the position in the interest of all concerned before it is too late.

Yours ever,
L. S. AMERY

[3] Vol. IV, No. 278.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND SECRET

INDIA OFFICE, *26 October 1944*
Received: 5 November

I confess I have been a bit perturbed by your telegram about the decision of your Executive that India should refuse to pay the additional cost of the increases in the British soldier's pay.[1] I fully realise the justifiable annoyance created by the lack of consideration shown in not affording sufficient time for consultation. Naturally that was not deliberate; but the War Office, having as usual dealt with the matter in its leisurely fashion, other Departments and the War Cabinet as a whole suddenly came to the conclusion—influenced in part by the idea that the war might come to an end at any moment—that an immediate announcement was essential to steady the morale of troops everywhere.

This is unsatisfactory as an explanation and no sort of excuse. It was for the I.O. to see that we were consulted.

W.

2. I shall be sending you a telegram on the subject in the next day or two. Meanwhile, it seems to me that the issue of who should pay in the end is really a very small one for India compared with the much bigger issue of the inflationary effect of the spending of this extra pay, whether in India or in Northern Burma, during the next 12 months. So far as the actual pay is concerned, there is, after all, considerable precedent for the increases being covered by the military agreement, and it would be a difficult thing to argue that a departure from the letter and spirit of the agreement would be warranted by the lack of courtesy shown to the Government of India when the decision was made. After all, the increases to the pay of Indian troops resulting from all this will

[1] See No. 57, para. 18, note 4.

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be paid by His Majesty's Government so far as Indian troops outside India are concerned and consequently India will tend to benefit, rather than to lose, in proportion as more Indian troops as well as British move out of India and are fighting in Burma and beyond. The difficulty in fact would not arise if our agreement with India followed that with the Dominions and we paid for British troops in India while India paid for and equipped all Indian troops outside India.

3. On the other hand, raising the issue in the form in which it is raised by your telegram would, I am sure, precipitate in the Cabinet, and on the Prime Minister's part in particular, a demand for an immediate reconsideration of the military agreement and indeed of the whole sterling balance question, with almost unpredictable consequences in the shape of deadlock and loss of confidence. I hope very much therefore that you may be able to induce your colleagues to reconsider the position and to concentrate their arguments, strengthened by their legitimate grievance over lack of consultation, on the imperative need of meeting the Indian economic and inflationary situation either by a reduction of demands on India or, better still, by somehow or other meeting India's demands for consumer and other goods. India can justly claim to have put up a very good fight for steadying prices over the last 18 months and the improved food situation, as well as the favourable course of the war, have helped. What is imperative is that it should be recognised at this end by all concerned, and at the American end also, that your efforts will have been in vain if further loads are now imposed on India with no adequate compensation which would result in the strain on India being eased, as indeed it is going to be eased here and in America. The atmosphere here is steadily improving from the point of view of realising this and I am told that a helpful letter from the Treasury is going to reach me in the next day or two, while the Chiefs of Staff will also, from the operational angle, focus on the same necessity for assisting India's economic position. A really effective broadside from your Government would therefore come at just the right moment to produce the maximum effect, whereas stirring up trouble over the application of the military agreement might easily throw things back seriously.

Meantime His Majesty's Government has been brusque and unhelpful over the rate of conversion of the pay increases.

W.

4. On the constitutional question I am sorry that you have seen so little to commend itself in my suggestion. I quite admit that the existing parties have behind them the press and can carry elections. But that does not get round the fact that they are quite incapable of coming to any agreement on the constitutional future and I strongly suspect equally incapable of coming to any real

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agreement on the constitutional present, i.e., the formation of an interim government. That being the case, is there really any other initiative open to us—apart from deciding on a constitution of our own and putting it into force—than to set up some sort of body which, regardless of party manœuvring and press criticism, will soberly try to think out the main structure of a constitution and so present India with something which could form the definite basis for discussion and decision by a constitutional conference, constituent assembly, or even referendum, or could, in the last resort, be carried out by His Majesty's Government in default of agreement, in the hope that it would then meet with acquiescence?

5. However, I shall await with interest your letter to the Prime Minister, as well as his reactions and those of the Cabinet to your proposals. It would, however, strengthen my hands considerably in supporting you if I were in a position to say, not merely that Governors and other advisers of yours favoured some sort of initiative but how far they actually endorsed your proposals, or any alternatives. Linlithgow, in more than one instance, furnished me with fairly detailed comments, supporting or criticising, from Governors, which certainly were of assistance to me in dealing with the Cabinet. I have sent you a telegram[2] suggesting that you may be able on this occasion also to strengthen my hands in the same way.

[Para. 6, on the Financial Adviser for Saudi-Arabia; para. 7, on the Bombay Explosion Report; and para. 8, on evasions of export control at Nawanagar ports, omitted.]

9. Winston gave some answers in the House on Tuesday about welfare of British troops in India and S.E.A.C. which show that he is now taking a positive interest in the question and I hope that we may shortly get a real move on, especially when Munster produces his report. I see from the telegrams that he is being really active and seeing things for himself. Winston had a few hours in Italy on his way home and has returned deeply impressed with the troops' need for more beer!

10. Meanwhile, the interest in the House of Commons and outside in this question, and even more in the question of leave after three years' service, is steadily increasing and, as shipping improves, I have no doubt something will have to be done to improve the present situation. There is naturally a good deal of confusion between the position of officers and troops of the British Army, of personnel attached to the Indian Army, and of personnel belonging to the Indian Army, which I have to straighten out as best I can. Similarly I get into a certain amount of trouble as the result of Home Office legislation which excludes British personnel in the Indian Army from voting at our next election.

[2] No. 63.

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11. In that connection, I shall shortly be sending you a letter reopening the question of what should be done about the parallel case of the Indian soldier. When I raised it with Linlithgow some considerable time ago, he saw so many difficulties of one sort or another that we decided to let the matter drop for the time being. I certainly realise the objections to anything in the nature of political canvassing, above all on communal issues, of our Indian troops. On the other hand, there is the objection that those who have done most to save India and uphold her credit in the world should have no say in her future. My own inclination, I confess, would be to say that, if Indian troops are to be allowed to vote at all by postcard, or similar method, then all Indian troops on active service should be regarded as enfranchised and on the register for that purpose—as indeed I understand they are when demobilised. Such a procedure would undoubtedly be simpler administratively than an elaborate investigation as to which men in each unit were qualified. A more revolutionary suggestion would be to enfranchise them all, but treat them as separate constituencies, and thus let them return a certain number of members of their own, whether for provincial or for central purposes. That would emphasise still more definitely the fact that the fighting men ought to have a say in the future of India and would do something to cut across communal differences.

12. In fact, the more I think of it, the more I am coming to the conclusion that not only the British system of an Executive dependent on parliamentary majority is unsuited to India, but also the system of geographical electorates, even if modified by communal representation. I have sometimes heard it suggested that, apart from the Muslims, the Hindus should be divided into castes or groups of castes, and that might very possibly suit the Indian temperament better and give a truer representation. Better still might be some scheme of functional representation by industries and professions. This would largely coincide with a caste division, but be more elastic. The mere fact that Italian fascism included something of the sort ought not to damn it, for it was not functional elections, but the tyranny of the single party and the megalomania of its chief that dragged Italy into the war against us. Both these latter features are to be found in the two leading existing Indian parties under our system of election and indeed have been aggravated by it. Again, there may be much to be said for indirect election in the sense of village panchayats alone voting for Provincial Legislatures and Provincial Legislatures electing representatives to the Centre. The trouble is how to get out of the vicious rut, and I get the impression that you feel that the rut is so deep that we cannot get out of it and must go on treating men like Gandhi and Jinnah as really representing India, because, under our particular and unsuitable system, they have contrived to become the undisputed leaders of their respective political machines. That may be so, but if it is, I fear, it does not augur too well for India's future.

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13. I have seen somewhere among the papers, or it may be in a letter, the suggestion that India's war memorial might take the shape of a really first class military academy for all the Services. Such an academy, or rather military university, covering all aspects of military and defensive science, might be a very fine thing in itself for India's future, as well as a world recognition of the great part the Indian Forces have played in this war. It might also afford an opportunity for able men who distinguish themselves in the war, and who would never come to the front in the ordinary course of politics or of academic life, to occupy important posts in the public eye and exercise an influence through their teaching and writing.

14. I am glad you have got what looks like a useful successor to Shafa'at in South Africa.[3] I am only sorry that Shafa'at has to stay on till the end of the year, for I get the impression that his whole attitude is utterly intransigent and that instead of trying to explain the difficulties of the South African situation to Khare he is out all the time for an open breach which will do no good to India and certainly none to South Africans of Indian origin. I know that this is not an issue over which you can afford to differ too widely from your Council, and that you may have to accept measures of reprisal which will only create bad blood without advancing matters. Still, if you can do anything to make your colleagues realise that any system of completely equal political treatment is impossible in South Africa—with a small white minority and a vast majority of Africans barely emerging from primitive barbarism—and that in those circumstances the fear of anything that blurs the existing caste barrier, such as would be created by equating the Indian with the white population, is only natural, then it might perhaps steady them a little. Here again, I cannot help feeling that a good deal of this ultra-sensitiveness about Indians overseas is due to the fact that we still exercise a control over India and that India therefore feels that we ought to do something about it. There is obviously much less feeling in India about the position of Indians in foreign countries than that of Indians in the Dominions or Colonies.

15. I am afraid the reply[4] which I have just sent by separate letter to your demi-official letter No. F.-681/2/G.G./43[5] of 9th August about the Indian States is somewhat longer and more detailed than I could have wished. Your letter has prompted me to devote a good deal of consideration, with the help of my Advisers, to the problem of the small States and the result has been to make me decidedly uneasy about my earlier conclusion that we can afford to soft pedal the tune of rationalising these intractable little political units until the moment arrives to facilitate their inclusion in the Indian Union of the future. In fact I now feel that we shall not be able to postpone action very much longer. However long it may take to evolve a workable constitution for a

[3] See No. 37, para. 7. [4] No. 71. [5] Vol. IV, No. 634.

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self-governing India and for a team to assemble willing and able to work it, we are faced in India with so many pressing problems in the economic field demanding immediate consideration that it seems to me we cannot afford to be hamstrung by having always to reckon with this horde of separate and by themselves incompetent petty administrations. The Indian States cannot avoid having to adjust their political structure to the economic requirements created by the present world upheaval. There is no secure future in isolation for even the minor Powers, much less for these Liechtensteins and Monacos with which India is patterned. Thus I think we are bound to review again more closely and with an eye to making the utmost use of each of them all the means of creating manageable administrative areas out of the smaller States and I am asking you to reconsider the conclusions at (*d*) and (*e*) summarised in the first paragraph of your letter of 9th August with this in mind.

I do not pretend that when we are ourselves in full agreement on the steps which ought to be taken I shall have an easy task in persuading my colleagues that any modification in the policy stated in the letter of 4th January 1943[6] to the Pro-Chancellor is necessary or desirable. But I should be much better able to make the attempt if I were at closer grips with the problem. Possibly after considering my provisional views you might care to think over the suggestion that Wylie, when he knows your mind, should pay us here a short visit and help us to brief the Cabinet on the policy we agree to pursue.

[Para. 16, on the succession to the post of Political A.D.C. to the Secretary of State, and para. 17, on economy in entertainments by Governors, omitted.]

Later

18. Your letter of the 19th October[7] has just this moment come in. I am indeed sorry to hear that you have not yet quite shaken off your recent illness and have been kept to your room for several days.

[Para. 19, on the National Institute of Sciences of India, omitted.]

20. I am afraid I have no time before the mail to go into the concluding paragraphs of your letter dealing with the pay question, though I have dealt with it myself at the beginning of this letter.

[Para. 21, on Sir P. Spens' suggestions regarding legal and police matters, omitted.]

[6] See Vol. III, No. 309, note 4. [7] No. 57.

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Minute by Sir R. Maxwell

L/P&J/8/520: f 186

27 October 1944

Mr. Turnbull,[1]
I am afraid I am quite unconvinced by the Viceroy's reply. I do not see how in a project of this magnitude we can, with our eyes open, take risks any of which might produce irremediable results. Surely the right course is to keep on solid ground, even if it takes longer.

The Viceroy's approach to the whole question seems to me (if I may say so without any disrespect to him) to be defeatist. I do not agree that the Congress and the Muslim League hold the keys of the situation. The present Govt. of India has not failed in their absence from it. What the Viceroy proposes is to hand them the keys which should be in our keeping. I do not think that these bodies (particularly the Congress) deserve all the deference that the Viceroy is inclined to show them. They have rejected all offers of constitutional advance made to them; they have failed to agree between themselves; and neither of them has assisted the war effort. If India's future depends on them we are indeed in a bad way. But there is no need to take such a depressing view. I quite agree that nothing will happen if we leave the solution of Indian problems to these two political parties (it was only because of Congress demands that we ever promised to do so: no other party wanted us to divest ourselves of the responsibility). I still think that it would be possible for us to give a definite and courageous lead to those who have really earned the right to have a voice in shaping India's future.

R.M.M.

[1] Mr Turnbull had informed Sir R. Maxwell that Mr Amery would like him to see No. 61.

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Mr Amery to Field Marshal Viscount Wavell

L/P&S/12/4564: ff 7–8

INDIA OFFICE, *27 October 1944*

My dear Archie,
I am sorry that I have not let you have a reply sooner to your letter of the 27th July[1] about India's representation at the Peace Conference. As you are

[1] Vol. IV, No. 606; see also No. 37, para. 9.

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aware, it has been accepted on all sides that India will be entitled to representation as a separate entity in the proposed new world organisation, and if there were to be a Peace Conference this time on the model of the Versailles Conference of 1918, India's claim to similar representation would, I am convinced, be unassailable. It is, however, not by any means clear that there will be a formal conference of this kind on this occasion. It may well be that the enemy States will be dealt with one by one as they throw up the sponge under some form of surrender instrument, and subsequent conditions of peace be worked out at leisure by consultation between the United Nations.

Bearing this in mind I put it to Attlee,[2] who is acting for Eden, whether you might be authorised to make the announcement you desire on the assumption that a Peace Conference does take place. He has, however, replied[3] that he could not give such a confirmation without the matter going before the Cabinet.

I cannot say that I feel this is a particularly opportune moment to take the matter to the Cabinet unless you have strong grounds for wishing to make an announcement in the near future. The result of a reference might well elicit a reply to the effect that in view of the many uncertainties that surround the question it is premature to make any pronouncement. Indeed, a formula of this sort might afford the best way of coping with any enquiry that might be put to you at the present time. Perhaps, therefore, you will consider the matter further and let me know what you think. There would of course be no objection to your stating in reply to any questioner that India will be given an opportunity of representing her views in connection with any post-war settlement where her interests were affected.

Yours ever,

L. S. AMERY

2 and 3 L/P&S/12/4564.

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Note by Sir J. Colville

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, p. 112

28 October 1944

NOTES BY THE GOVERNOR OF BOMBAY ON HIS EXCELLENCY THE VICEROY'S MEMORANDUM[1]

I am in favour of an attempt being made on the lines proposed, *now*.
Reasons:

1. To wait till the end of the war would mean choosing the most difficult time of all to make progress for the reasons you have foreseen.

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2. I do not think that a government such as you have in mind would affect the war effort or the post-war reconstruction plan in any serious degree though there would be some loss of efficiency. In Bombay I should not be afraid of serious difficulty with a ministry though it would not be so efficient as Advisers.

3. The scheme has a *chance*, though not a very good one, of success in the present atmosphere of disgust with the failure of Gandhi and Jinnah to come to terms and it could not be interpreted as a lead from a weak hand as the Cripps offer was.

4. I do not think Amery's suggestion of using the National Defence Council[2] would "cut any ice" here or elsewhere.

5. I do not agree with Amery that Congress and League could be by-passed.

6. Even if the attempt fails I do not think our position would be worsened in India and it would be improved as regards the outside world.

The European community may be nervous and we shall have to watch the interests of Government servants, particularly police under Ministries—but this has to be faced sooner or later and better now than in the difficult times at the end of the war.

JOHN COLVILLE

[1] Enclosure to No. 19. [2] See No. 52.

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Mr Churchill to Mr Amery

L/P&J/8/623: f 14

10 DOWNING STREET, WHITEHALL, *28 October 1944*

Prime Minister's Personal Minute: Serial No. M.1042/4

Secretary of State for India

I wonder whether I ought not to send a formal acknowledgment through the Viceroy in the third person.[1] It seems rather churlish not to acknowledge the receipt of a communication of this character.

W.S.C.

[1] See No. 36, para. 2.

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Field Marshal Viscount Wavell to Mr Amery

L/P&J/8/591: f 13

SECRET THE VICEROY'S HOUSE, NEW DELHI, *28 October 1944*

No. 957

My dear Amery,

You will have seen Hope's letter of October 3rd[1] about the appointment of non-official Advisers in Madras. A copy of it went to your Private Secretary by the bag of 12th October.

2. We discussed this subject informally at the Governors' Conference and I enclose a summary of the Governors' opinions.[2]

3. I have consulted Mudie who is in favour of the proposals and thinks that the men named in Hope's letter carry real weight. The Telugus and Tamils are all non-Brahmins, but Ramamurty one of the official Advisers is a Brahmin.

4. Mudie thinks the increase in the number of Advisers from 4 to 6 fully justified and an official recommendation on this point will be sent to you from my Public Secretariat. Mudie has, of course, worked in a Section 93 Administration in the United Provinces, and he considers that there is a tendency to manage with too few Advisers.

5. None of the Governors at the Conference thought that an experiment in Madras would have serious effects elsewhere. Although Linlithgow decided to stick to official Advisers, his letter of January 8th 1943[3] which summarised the 1942 correspondence and of which you received a copy showed that he considered the issue to be one on which it would be wise to keep an open mind and with regard to which experiments in the future might be justifiable.

6. Madras is a quiet province and I think no risk will be taken if we accept Hope's proposals, about which he feels strongly. I hope you will agree and give your approval by telegram. I shall not authorise Hope to act on your approval until I know the fate of my own wider plan which I have sent separately.[4]

Yours sincerely,

WAVELL

[1] No. 35.

[2] Lord Wavell enclosed a copy of No. 1, para. 3 beginning with the words 'The Governor of Madras said he would like . . .'

[3] Vol. III, No. 331.

[4] In tel. 26193 of 18 November, Mr Amery informed Lord Wavell that as other Governors did not apprehend serious effects from Sir A. Hope's proposals, he would be prepared to support the Viceroy's official recommendation when received. L/P&J/8/591: f 10.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 184

IMPORTANT NEW DELHI, *29 October 1944, 11.55 pm*
PRIVATE AND TOP SECRET *Received: 29 October, 10 pm*

2004-S. Superintendent Series. Your telegram No. 23891[1] of October 24th. Political situation. I am generally aware of the views of all the Governors, as something very like my plan was one of the possibilities discussed at the Governors' Conference.

2. I have now consulted Colville and Hallett myself here, and Glancy through my Deputy Private Secretary whom I sent to Lahore for the purpose.[2] All three Governors have read my memorandum[3] for the Cabinet and all telegrams other than those in the "U" series.[4] Colville and Hallett have also seen my letters of October 24th[5] to the Prime Minister and yourself.

3. Colville and Hallett are entirely in favour of my plan. They consider that the failure of the Gandhi-Jinnah talks has produced atmosphere favourable to move by H.M.G.; that the present is suitable time because our war position is sound, food situation is relatively secure, and some progress has been made with the planning of post-war development; that the war effort, food administration, and development programme would not repeat not be seriously affected by political government at the centre and coalitions in the Provinces, though there would be some loss of efficiency; and that even if the plan failed we should get the credit of having made a sincere attempt. They do not repeat not accept your alternative solution. They think it impossible to by-pass Congress and the League and conference of the kind you suggest would be ineffective and would be regarded by Indians as an example of British insincerity. Like myself they do not put the chances of success for my plan very high, but think risk of failure worth taking. They do not think failure would worsen political situation.

4. Glancy is mainly concerned with the stability of the Unionist Party and Ministry. He does not like my plan on the ground that it would immediately give the Moslem League a commanding position and make Khizar's position

[1] No. 63.
[2] See Nos. 70 and 75; there is no record of the consultation of Sir M. Hallett in Wavell Papers, Political Series, or in I.O.R.
[3] Enclosure to No. 19.
[4] The words 'all' and 'other than those in the "U" series' were deleted when the telegram was subsequently made official: see Nos. 83 and 85.
[5] See No. 64.

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difficult if not hopeless. He believes Pakistan in its crude form to be a very grave danger and thinks we should do all we can to prevent it. On the other hand, he favours an immediate move which should take the form of a conference to which all recognised political bodies of any importance should be invited to send representatives. Object of the conference would be "to propound a scheme for the fulfilment of H.M.G.'s pledges in the matter of constitutional development at the earliest possible moment after the conclusion of the war". Congress and the League would be included (corrupt group) Glancy agrees with Colville and Hallett that it is impossible to by-pass them or to build on National Defence Council as you suggest. I can meet Glancy's main objection to my plan to some extent by including Khizar in place of Firoz Khan Noon. I was advised not to include Khizar, as his presence might make Jinnah refuse my invitation. But I am prepared to risk this, and I admit that Firoz though in many ways suitable might not be trusted by the Unionist Party. I do not like Glancy's plan. It means an immediate attempt to solve communal problem, which I think impossible at present and have tried to avoid.

5. I have not again consulted Twynam as I know that he favours General Elections immediately after the end of the German war followed by attempt to establish constitution-making body on Cripps' model. Casey takes similar view, and would add a time schedule giving dates of various stages by which we would transfer power to Indian hands. Scheme on these lines seems to me really dangerous. General Elections fought on "quit India" and communal issues without any preliminary understanding of any kind would certainly interfere with the war effort and internal administration.[6]

6. C.-in-C. agrees with me throughout and is not repeat not apprehensive about effect on war effort.

[6] See No. 1, pp. 4–5.

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Mr Casey (Bengal) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/151: ff 64, 69–70

GOVERNMENT HOUSE, DARJEELING, *30 October 1944*

2. *Eastern Pakistan.*

I mentioned this subject in para. 9 of my letter of September 16th[1] arising out of a talk with Sir Nazimuddin on the eve of the Gandhi-Jinnah talks. There is little Muslim opinion in Bengal which does not favour Pakistan of some sort. The supporters of the Muslim League are of course most vocal about it,

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but even those outside the League are not in opposition. The real difference of Muslim opinion is with regard to the boundaries of Eastern Pakistan. Within the Muslim League majority opinion favours a claim for the whole of Bengal and Assam plus an adjacent portion of Purnea District in Bihar which has a Muslim majority. They think that by including the whole of Bengal they will get less opposition from the Hindus than by "partitioning" Bengal. The minority point of view is that described in the enclosed pamphlet "Eastern Pakistan"[2] which you may care to look at. It has been sponsored by a fairly influential section of the Bengal Provincial Muslim League. It advocates a more homogeneous Pakistan omitting the Burdwan Division (comprising Howrah, Hooghly, Burdwan, Midnapore and Bankura Districts) and including the rest of Bengal and the whole of Assam plus some of Purnea District in Bihar. Both points of view were put to Jinnah on the eve of the talks.

3. *Pakistan.*

More generally on the subject of Pakistan there has been a wordy war between the Hindu and Muslim Calcutta newspapers following on the breakdown of the Gandhi-Jinnah talks. The basis of Hindu criticism of Pakistan is—(*a*) that the two-nation theory is wrong and dangerous—(*b*) that in consequence a completely independent Pakistan is out of the question—(*c*) that in any case a complete majority vote district by district (with consequent exclusion from Pakistan of Hindu majority pockets) which they argue would be a reasonable way to set about things if there is to be Pakistan would make Pakistan impracticable. The Muslim press on the other hand insist on the reverse of all the above and take their stand by Jinnah.

These controversial editorials, which have been appearing for some weeks, do not make for amicable relations between the communities.

* * *

14. *The Future of the I.C.S.*

I mentioned this matter in a general way in paragraphs 1 and 8 of my letter of July 4th.[3] Since then, I have taken numerous opportunities in private conversation of raising the subject with members of the I.C.S. I am concerned (but not surprised) to find that my previous views have been broadly corroborated —and not only by British but also by Indian (particularly Hindu) officers.

However I have sought something more precise than my own random conversations—and two responsible and senior officers have compiled the following table from their intimate knowledge of the I.C.S. in Bengal. It has been compiled on the assumption that the war ends in two years time from

[1] No. 13; the date should be 11 September.

[2] *Eastern Pakistan: Its Population, Delimitation and Economics* (published by Mujibur Rahman Khan for East Pakistan Renaissance Society, Calcutta, September 1944).

[3] Not printed in Vol. IV.

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now; it is based on the Bengal Civil List corrected up to 1st July 1944 and includes both British and Indian members of the I.C.S. in Bengal.

(1)	Number of superannuations (i.e. those having 35 years service) by 1946	7
(2)	Number of resignations	1
(3)	Number of applications that may be anticipated for retirement on full pension after 21 years active or 25 years full service—probably	12
(4)	Number of applications for retirement on proportionate pension	12
(5)	Number now on leave preparatory to retirement	5
(6)	Number under suspension and services likely to be dispensed with	2
(7)	Number of recent deaths	1
(8)	Number of likely deaths or other unaccounted casualties on an average	2
		42

To put the above into perspective, I may say that the total full theoretical strength of the I.C.S. in Bengal is 176, including both British and Indian, and including those on leave and those employed by the Government of India.

The actual number of members of the I.C.S. in Bengal at present (including those on leave) is 146, of whom 61 are British, 84 are Indian and 1 is Anglo-Indian.

Apart from the fact that recruitment (particularly British recruitment) is now short and will remain so at least until the end of the war, the potential defections (reflected by the table above) from among the senior officers from a total cadre of 176 are serious.

One of the most serious aspects is that out of the probable total number intending to retire (apart from being superannuated) on full or proportionate pension (i.e. 24) about 17 are British. This means that, after 1946, the probable number of British I.C.S. officers on the executive side with over 25 years service available to the Bengal administration will be 4, while the number of British I.C.S. officers with between 10 and 25 years' service will be about 15. At present there are some 65 superior executive posts in the Bengal administration held by officers with 10 years' or more service. It would seem therefore that the British element in the service will be very small after the war.

The principal reason for all this is the corroding influence of Bengal politics, together with the uncertainty of the future. The Muslim members of the I.C.S. are of course generally happy and have no objection to playing the game of a Muslim Ministry, but the Hindus are uneasy and unhappy under a Muslim Ministry—while the British tend to despise any Ministry—and to regret the good old days. No one seems to think that matters will improve.

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I believe that the I.C.S. generally (and the British members particularly) have little confidence in the good intentions of the Bengal Government—nor have they much faith in New Delhi or the India Office to watch over their interests and keep their end up. Whether or not this attitude of mind is justified, it is the way a great many of them feel—and it colours their outlook on the future.

The corroding influence of Bengal Politics that I have referred to above is also affecting other services than the I.C.S. In the current month two senior and experienced Hindu officers have left the service of the Government of Bengal. There are "reasons" in each case but I have grave suspicions that both these men—Mitter and Lakshmanan—would have been content—or even preferred—to remain under the Bengal Government but for their realisation that Hindus are not wanted by the Ministry. I have brought the above to the notice of the Chief Minister and have told him that if a few more senior and experienced Hindu officers were to resign the administration would feel the pinch rather grievously.

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Mr Amery to Mr Churchill

L/P&J/8/623: f 13

INDIA OFFICE, *30 October 1944*

Secretary of State's Minute: Serial No. P.36/44

Prime Minister

Your Minute 1042/4.[1]

I agree that it would be better to send an acknowledgment to Gandhi. I will, if you approve, ask the Viceroy by telegram to send a suitable third person acknowledgment on your behalf.

L. S. AMERY

[1] No. 76.

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Minutes by Mr Gibson, Sir R. Maxwell, Mr Patrick and Sir D. Monteath

L/P&J/8/520: ff 182–3

30 October–2 November 1944

Sir Reginald Maxwell
I have been asked to let you see this fresh telegram[1] from the Viceroy. Have you any further comments which you would wish brought to the notice of the Secretary of State?

J. P. GIBSON, 30.10.

Mr Gibson
Sir B. Glancy's plan is worth considering as an alternative to the scheme put to the Viceroy. It really comes to much the same thing, apart from the composition of the conference, since the first stage would in any case have been to determine matters of procedure. But, if Sir B. Glancy's plan is to be pursued, it would be necessary to provide for full representation of the fighting services and classes and of the various other non-political elements which have contributed to the war effort and remained loyal. The Punjab reaction is a very good illustration of the need of not letting down those who have been our friends while putting power into the hands of those whose vindictiveness they quite rightly fear. I have often had this apprehension expressed to me by loyalists and if the Viceroy's original scheme were put into operation I do not think we could count on further support if his proposed political government broke down.

R.M.M., 1.11.44.

U.S.S.
To see. Action, I gather, is suspended until the Viceroy's letter to the P.M. arrives.

J.P.G., 1.11.

Sir D. Monteath

TOP SECRET
With regard to the comments of Governors, Sir B. J. Glancy's suggestion differs from that of the S/S in proposing a conference representative of all political bodies to propound measures of constitutional advance instead of utilising for that purpose a body which is in being though constituted for a different purpose and as such more apt to propagate the views and intentions of Government than to produce solutions of a constitutional nature. On the other hand it is very difficult to set up a conference such as Sir B. J. Glancy envisages without building on a foundation ready to hand. This difficulty we had plenty of experience of at the R.T.C. of 1930–1.

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I assume that the Viceroy's view is that it is only by working together as a Government jointly engaged in responsible tasks that political leaders of Hindu and Muslim India can by-pass the communal question. But there is no evidence that in practice they would succeed in doing so.

P.J.P., 2.xi.

This is the gamble which Ld. W. advocates. His hope is that if it did not come off "we should be no worse off than now", and should be credited with having given positive proof of our sincerity.

D.T.M., 2.xi.

[1] No. 78.

82

Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: ff 396–8

IMPORTANT INDIA OFFICE, *31 October 1944, 3.30 am*

18–U. Your 16 and 17–U.[1] I can only hope your appeal for a change of spirit may have effect. It is the essential thing as regards both the future and day to day relations and nothing could carry conviction with regard to it like statement by Prime Minister. This, if made, would no doubt cover your (*b*) in general terms as well as (*a*). Here continue as in my private telegram No. 852.

852. Private. Top Secret. Continuation of my 18–U. As regards method of disposing of sterling balances I have always thought that India should at the end of the war buy out of her balances such defence equipment as she will need in the future. The fact that she has not done so in the past is the one respect in which criticism can legitimately be directed against the defence agreement. As regards commercial ships that again seems to me to be one of the normal ways in which after the war India can spend her sterling balances: but this would not meet existing[2] need. I am afraid I see no hope while war lasts of Leathers surrendering any shipping by sale still less by gift.

Your (*e*) and (*g*) are of course essentially consequential on change of political relationship and interrelated. The extent to which business now done in India Office can be transferred to High Commissioner without any definite political change is limited and India would suffer and your Defence and Supply Departments complain if such business as India Office has subsumed from High Commissioner in war conditions were re-transferred. As you know, I personally would go a long way towards recognition of India's self-governing status without waiting for a solution of her internal constitutional problem.

[1] Nos. 68 and 69. [2] 'existing' omitted in Wavell Papers, Political Series.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: f 395

IMPORTANT INDIA OFFICE, *31 October 1944, 4.30 pm*

PRIVATE

861. Superintendent Series. Thank you for your private telegram 2004-S.[1] Would you not agree to make this telegram less reference to U telegrams part of official series? If later matter comes before Cabinet it would be most useful and if Prime Minister on receipt of your letter asks to see correspondence it would be mistake to withhold this. I presume you will cover points taken in your 17-U[2] either in your letter to the P.M. or in some later official communication.

[1] No. 78. [2] No. 69.

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Mr Churchill to Mr Amery

L/P&J/8/623: f 12

10 DOWNING STREET, WHITEHALL, *31 October 1944*

Prime Minister's Personal Minute: Serial No. M.1055/4

Secretary of State for India
Your minute No. P.36/44[1] of October 30.
Pray send the following telegram:

> Prime Minister to Viceroy. Gandhi's letter to me.[2] I should be glad if you would say (Quote) The Prime Minister desires me to acknowledge with thanks the receipt of your letter of July 17 to him (Unquote).[3]

W.S.C.

[1] No. 80. [2] Enclosure 5 to No. 20.

[3] Mr Amery telegraphed accordingly to Lord Wavell who wrote to Mr Gandhi on 2 November 1944 in the terms directed by Mr Churchill. L/P&J/8/623: f 10; Wavell Papers, Official Correspondence: India, Oct. 1943–Dec. 1944, p. 416.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 392

PRIVATE *1 November 1944*
SECRET

2021–S. Superintendent series. Your private telegram 861[1] dated October 31st. I agree to make my 2004–S, less reference to U. telegrams, official.

2. Have not covered points raised in my 17–U[2] in letter to Prime Minister. I should like your advice whether to bring them forward now or at later stage of discussions. I think them most important.

[1] No. 83. [2] No. 69.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *1 November 1944*

Many thanks for your letter of 19th October.[1] We have exchanged telegrams about the constitutional question, and I need not deal with it further now. The main development in current politics is Gandhi's growing interest in his "constructive programme". This seems to be a rehash of the primitive economic plan he has been advocating for years, and his motive probably is to strengthen the Congress organisation, which must have disintegrated a good deal since August 1942, so that he may have a machine ready for use for electioneering purposes or for a civil disobedience movement as occasion may offer. I told you last week[2] that he was talking about a fast, and the papers of 31st October say that he is now definitely considering a fast for forty days. Nobody seems to know what his idea is, but the fast would apparently be connected with the "constructive programme", and would be a method of exciting all-India interest and strengthening Congress morale. The Hindu newspapers naturally profess a good deal of apprehension, and Gandhi will be implored not to undertake any new trial. But he is quite incalculable, and we can only wait and see what he does. Amongst moderate political Indians there seems to be a growing demand for a move of some kind by His Majesty's Government, and the

[1] No. 58. [2] No. 66, para. 1.

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calling of a conference of Party leaders by the Viceroy. The atmosphere certainly seems favourable for a move of some kind, though whether it is favourable enough for a solution to be reached is more doubtful.

2. The food situation is generally unchanged. It is increasingly clear that our main difficulties will be in the South, and recent reports from Madras show that there is anxiety in several districts. Even in districts which are normally surplus, the authorities are beginning to resist demands on their reserves, and in the dry districts and Malabar the next few months will not be easy.

There are signs of another quarrel between the Central Government and the Punjab Ministry. The Punjab has always disliked our price policy and urban rationing, and co-operation with the Central Government has never been wholehearted. Firoz and Jogendra Singh, who are well but often inaccurately primed from Lahore, snipe constantly at Srivastava in Council, and there have been several small breezes about our alleged failure to buy Punjab rice, to support the Punjab wheat market at a minimum price of Rs. 7/8/-, and so on. Most of these complaints are distorted or untrue, and they have caused ill-feeling in the Food Department. A few days ago our proposals for *Kharif* prices, which included a reduction in the maximum price for rice and millets, were opposed by the Punjab Ministry, and our announcement had to be held up. I hope to be able to smooth these troubles over during my visit to Lahore, and Srivastava intends to come to Lahore too for a couple of days so that I may give him any help I can. Chhotu Ram and Baldev Singh, the two Ministers mainly concerned, are not easy to deal with, but we cannot expect that a Province of farmers will willingly give up what they regard as legitimate profits. Moreover the Ministers are in no position at present to challenge public opinion.

I have just sent you a telegram about the statement you propose to make on the lines recommended by French.[3] The Food Department advised me, and I agreed with them, that it would not be wise for you to say more than you must about the reserve recommended by the Gregory Committee. The point is really covered by the statement in Appendix "C" to French's Report, and though you may have to go into greater detail, the less you say on the subject the better.

3. We have exchanged telegrams about the South African business. I have tried throughout to keep you fully informed and I thought you realised that for a very long time Indian opinion has been in favour of a break with the Union Government. Linlithgow delayed action with his customary skill, and I have stone-walled myself for over a year. But sooner or later the issue was bound to come to a head, and as it is the only matter on which Indian opinion is solidly united, I do not see how Council can avoid making a public demonstration of some kind. We have been handicapped by the inadequacy of Shafa'at

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Ahmad Khan's reports. He does not give us much solid information to go on, and is carried away by his feelings. But, on the facts as they appear here, there has been a contravention of the Pretoria Agreement in at least two important respects, and the Union Government's explanation is disingenuous. I shall of course do all I can to prevent a foolish or undignified decision, and shall point out to Council that we must be quite sure of our ground before acting, and that the Union Government may, if provoked, make themselves very unpleasant indeed. The denunciation of the Trade Agreement[4] would be relatively simple in peace-time, but under war-time controls, it would be difficult to follow it up with really effective action. The use of our Reciprocity Act[5] would annoy the Union Government and South Africans generally without producing any tangible results. The withdrawal of our High Commissioner, which is the third step suggested, would make it difficult for us to protect the Indian community in South Africa, and the Union Government might refuse to agree to the appointment being revived. All these objections are obvious, but feeling is so strong that Council will almost certainly feel compelled to justify themselves by drastic action. I will, if possible, add a postscript giving you some account of the Council proceedings on the evening of 1st November.

[Para. 4, on possibility that Bhore Committee might not be dealing adequately with nursing organisations in India, and para. 5, on experimental transport projects, omitted.]

6. I mentioned at the end of paragraph 10 of my letter of 25th October[6] the scheme for the training of higher technical personnel. Under my instructions the Labour Department referred their correspondence with Watson Smyth of the Ministry of Labour to Dalal, who advised that the courses of training were too academic for his immediate purpose, and that what was needed was practical training in industry for men who had already reached a fairly high practical standard in India. A telegram saying what is wanted has been sent to the High Commissioner who will presumably get into touch with the India Office.

7. I replied by telegram on 27th October[7] to your enquiry about a visit to India by Morray of the British Council, which Robertson had suggested to you. I think this is a much better idea than the original one that a more or less formal delegation should visit India. For obvious reasons the British Council has an easier task in foreign countries than inside the British Commonwealth. If Morray is as sensible as Robertson thinks, he should be able, after his visit, to advise the British Council on the best course to take in India. We will not have him shepherded by officials, but we will give him any introductions or

[3] See L/E/8/3325. [4] See No. 95, para. 9. [5] *Ibid.*, para. 8. [6] No. 66.
[7] Not printed.

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other facilities he wants so that he may make the widest possible contacts. My own view has from the first been that the Council should begin by encouraging closer relations between the universities at home and out here. If attempts are made to establish anything like an office for British propaganda in this country, there would of course be great suspicion and the Council could do very little. But, as Professor Hill's visit showed, distinguished Englishmen with no political axe to grind are welcomed eagerly in this country, and the Indian scientists now in the U.K. are probably being well received.

[Para. 8, on publicity in the Indian States; and para. 9, on Russian activities in Persia, omitted.]

10. The Washington leakage seems to have had a bad effect on the Foreign Office, for I suppose their acceptance of Shah as Counsellor at Kabul only on impossible conditions was due to the belief that Indian officials would always behave like the temporary war substitutes at Washington. I sent you a strong telegram on Shah's case the other day. He has fourteen or fifteen years' experience in the Indian Political Service, and an excellent reputation. He has served in the External Affairs Department here where he has naturally had access to a great deal of confidential and secret material. . . .[8] The best of the Indian officials are quite trustworthy, and I am sure Shah would be a success in Kabul and very useful to the Minister. It would of course be fatal to give the impression that we do not trust men who are recruited to our Services on the same terms and for the same work as their British colleagues.

11. I told you some time ago[9] of Mackay's informal approach about a possible agreement between Australia and India. Cross, during his recent visit here, spoke to Caroe about this, and said he thought the Australians were amateurish in their handling of these matters and that the agreement between Australia and New Zealand meant very little and would come to nothing. I still think that any move to bring India closer to other members of the British Commonwealth is to be encouraged, and I am sending by this bag a copy of a personal letter sent by Khare to Mackay a few days ago. Our conclusion was that while we could not find material for any conference in the immediate future, closer relations between India and Australia would be very valuable, and a conference might be held later when the two High Commissioners have settled in.

12. We hope to go to Lahore on 4th November, returning on 9th. I am to visit Lyallpur and Okara, and see something of the big railway settlement at Moghulpura just outside Lahore.

2 November

PS.—The discussion of the South African case began in Council yesterday evening. I had a talk with Khare, Mudaliar, Azizul Haque, and Sultan Ahmed,

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before the meeting. Sultan Ahmed, as Leader of the Assembly, is concerned with the Parliamentary side of the business. I spoke very frankly, using the arguments we have mentioned in our telegrams, and pointing out that the difficulty of applying "economic sanctions"—which are admittedly essential if the termination of the trade agreement is to mean anything—arises not from our subordinate position, but from the fact that we are one of the United Nations. If India were a Dominion, she could not, in present conditions, stop trade with another member of the Commonwealth without carrying His Majesty's Government, and, in some degree, the U.S. Government with her. For most essential goods, sources of supply were settled and allocations were made in London or Washington; and we must be quite sure of our ground before we refused to take materials like copper rod from South Africa. My talk with the four Members was friendly, but Khare (the least experienced of them in large affairs) was obviously set on drastic action. I think I influenced Mudaliar, and perhaps the others, to some extent.

In Council we had to deal first with the line to be taken on adjournment motions in the Assembly, and this and other urgent business took up the first hour or so. I then called on Khare to open the South African case, and said briefly that I was sure my colleagues realised that the decision would be a most important one. I recognised and sympathised with the Indian grievance; we had been badly treated, and our resentment was justified. But any protest we might make or action we might take must be dignified and effective.

Khare stated his case clearly and well. He analysed the Pretoria Agreement, quoted Smuts' undertakings about it, and showed that the Natal Ordinance contravened it. He proposed notice of termination of the trade agreement, to be followed in three months' time by stoppage of trade. He also said that he wanted authority to use the Reciprocity Act to the utmost extent possible. He did not favour recalling the High Commissioner though he thought the Union Government might later insist on his withdrawal. I had asked for information about possible action by the Union Government against the Indian Community. On this Khare said that conditions could hardly be worse than they are now. I doubt if he realises what might be done under a thorough-going policy of segregation.

At this stage I intervened and stated the case for caution on the lines agreed between us. I said a word for Smuts, who has been vilified in Shafa'at Ahmad Khan's telegrams, but who is probably ahead of South African thought on the native and Indian problems. I called on Mudaliar and Azizul Haque to speak next.

Mudaliar said that, however sympathetic I might be, no Englishman could realise the intensity of Indian feeling about the treatment of Indians in South Africa. It was the biggest single factor in the desire of some Indians to get out

[8] Personal comment, not relating to Major Shah, omitted. [9] Vol. IV, No. 593, para. 6.

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of the British Commonwealth. He agreed with me that we had to balance our anxiety to protest with dignity before the world against our duty in the common war effort. It would be futile to give notice of termination of the trade agreement unless we were sure that His Majesty's Government would support us in further action. His view was that we should decide now to terminate the agreement, but should not give notice to the Union Government until the whole matter had been discussed with His Majesty's Government. It had been suggested (by me at the informal discussion before the meeting, though he did not say so) that a delegation at a very high level might be sent to London to explain our case. His Majesty's Government might be unable, on grounds of the common war effort, to agree to "economic sanctions". If so, they must tell us quite clearly. He did not favour a notice of termination followed by inaction.

The meeting then adjourned to 6-30 p.m. on 3rd November. Azizul Haque said he would prefer not to give his opinion in the short time available, and asked to be allowed to give it on the 3rd.

The discussion has so far been temperate and sensible. My colleagues are in a very difficult position. They have to face the Assembly—a day is to be allotted to our grievances in South and East Africa—and have got to find a safety-valve of some kind. Mudaliar's solution may be inconvenient to you in some ways, but it is logical, and would prevent any immediate economic war between India and the Union.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND SECRET INDIA OFFICE, *2 November 1944*
Received: 10 November

You will have seen that I have lost Munster. I am very sorry for that, because he was doing excellent work in the Office and in the House of Lords, and I had looked forward to the additional interest his Indian trip would have given to that work. On the other hand, there is much to be said for someone on the Labour side knowing the Indian problem from inside the Office, and I think Listowel will prove quite a good Under Secretary. He starts at any rate with a virgin mind on the whole subject and no pre-commitments. It is true that he has just confessed to me that he recently was induced by the Correspondent of the *Hindustan Times* here to send a message of good wishes to Nehru for his forthcoming birthday: but I gather the message was quite anodyne. He has

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recently come back from an Empire Parliamentary tour to Australia, where I believe he did quite well, and where no doubt he got some inkling of the nature of federal problems.

2. I am looking forward greatly to reading your letter to Winston, which should be due in the next few days. Meanwhile, the *Manchester Guardian*, alone, however, among the newspapers, reproduced the other day a statement by Sir Mirza Ismail, suggesting that the best way of solving the deadlock was for 25 representative men of all parties to get together and begin working at the problem of the constitution. Today's *Hindustan Times* has a suggestion in more general terms to the same effect. I wonder whether something of that sort might not be a better starting point than any other, as well as easier to get through from the Cabinet point of view. Supposing, for instance, you were to take up Sir Mirza Ismail's statement by announcing that you would gladly put offices, secretarial expenses, etc., at his disposal, pay for the costs of any constitutional experts they chose to invite from other countries, etc. That would be so entirely covered by what we have said ever since August 1940 that I am not sure that you could [not?] do it straightaway on your own, simply keeping the Cabinet informed. You could also, no doubt, in private conversation with a man like Mirza Ismail, see to it that important interests like the Punjab Unionist Party, or the Fighting Services, were effectively represented. There is also a great deal to be said, in my opinion, for the leadership in this constitutional matter coming from the side of the Princes. They and their Dewans have at any rate a certain sense of administrative responsibility which the leaders of the British India parties seem to me to be wholly lacking in. Mirza Ismail has many qualifications, though I know Linlithgow never quite trusted him. He is a Moslem, but at the same time not a Sunni or a member of the Muslim League, and his administrative experience has been in two Hindu States. If he could get Ramaswami Aiyyar and two or three other Dewans of good calibre into the picture together with the Premiers of the self-governing Provinces and a few other leading party men, no one could say that the conference was unrepresentative. He would, I suppose, be almost certain to ask for the liberation of two or three at least of the interned Congress leaders, and that is a matter which I think would necessarily have to come before the Cabinet. The case then, however, for such release, for a definite purpose, would be a pretty strong one and could hardly I think be resisted.

3. I confess that I still feel, and have felt it increasingly year after year, that any interim government by political leaders cannot be formed, or cannot be worked successfully when formed, unless there is some preliminary general agreement on the basis of the future Constitution. In 1940 I admit I took the view which you are now advocating, namely, that in working together on an interim government, the political leaders would arrive at a more realistic and

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more compromising point of view, and so pave the way towards a constitutional settlement. But everything that has happened since then makes me more doubtful of that possibility and more inclined to the view that the solution lies in the double direction of (*a*) making Indians face up to the ultimate problem by practical discussion, and (*b*) increasing the *de facto* independence of India from Whitehall control under the existing Constitution. On this second side of the question we have after all made great progress in these last four years, and the progress would indeed be much more obvious if it were not for the war and the necessary amount of intervention in Indian affairs which that involves. It would become even more marked if there were a change of government here and a Cabinet prepared to declare explicitly that it did not normally mean to intervene in Indian affairs.

4. In that connection I do hope that the issue of South Africa will not reach a point at which it will have to come before the Cabinet here as a question of interference with the war effort either of India or of South Africa, but that you yourself may be able, by the exercise of your personal influence and the strength of the arguments in the case, to persuade your colleagues to content themselves with a denunciation of the Trade Agreement, leaving actual measures of reprisals, or at any rate any measures which could interfere with the war effort, until after the war. In any case, it would, I think, be entirely wrong from the point of view of ordinary inter-Imperial or international intercourse to take any measures such as denunciation of the Trade Treaty in anticipation of the actual passage into law of the proposed Ordinance. After all, there is always the possibility of amendment at the last moment, and any hope of that would inevitably be ruled out if India began initiating reprisals in advance. Also, in fact, if this Ordinance does not go through, you may be quite sure that no successor of Smuts' is likely to produce a more favourable one. So I hope you will continue to play for time, let the Ordinance pass, and then, after giving it careful consideration, denounce the Trade Treaty if you must, and then go on playing for time afterwards as long as you can.

5. I have taken up with Cranborne the question of the use of the seven Air Squadrons which Smuts has so loyally offered for further use during the war, to see whether the Chiefs of Staff cannot find some way of making use of them otherwise than in India, and I can only hope that a solution may be found.

[Paras. 6 and 7, on welfare of British troops in India and S.E.A.C.; para. 8, on a fund for a memorial to Lutyens; para. 9, on the date of the Chatham House Commonwealth Conference; and para. 10, on the question of a petrol allowance for civil officials home on leave, omitted.]

11. I hope you have now completely recovered from your touch of malaria.

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Sir A. Hope (Madras) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/207: f 39

SECRET GUINDY, *3 November 1944*
No. 10/1944

. . . The breakdown of the Gandhi-Jinnah talks led to a feeling of relief at first among many Congressmen that Pakistan had not been irrevocably conceded, followed by some realisation of the difficulties involved in any measure of constitutional progress. The talks did good in showing that Hindu-Moslem differences are not a fiction invented by British Imperialism to retain Britain's hold on the country. . . .

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Sir J. Colville (Bombay) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/165: f 45

CONFIDENTIAL GOVERNMENT HOUSE, GANESHKHIND, *4 November 1944*
Report No. 32

2. *Political.*

As we have met in the last few days and discussed the political situation, there is little I can add. Gandhi is evidently determined to keep well in the limelight with threats of a fast, but this is not universally well received among his followers. To-day's *Bombay Chronicle* has a leading article on the subject, entitled "An Avoidable Tragedy". Dr. Syed Mahmud's apologia[1] has added to the general puzzlement.

A copy of a letter[2] from Nehru to his sister has just been sent to Home Department as it throws interesting light on his present state of mind, which is one of deep resentment and bitterness. He will not be easy to deal with when he ultimately emerges. Possibly some of his chagrin is due to the thought that, had he followed his own instincts instead of Gandhi's dictation, he would not now be where he is. The fact that Gandhi is at large and active may be added gall.

Congress workers continue to organise. They have been critical of our food administration and post-war reconstruction plan, but I think this is platform work only. Taunton, my Adviser, who had a long talk with Nagindas Master, the Mayor, gathered from him that it was so, and that they had picked on

[1] See No. 37, para. 3. [2] Not traced in India Office Records.

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such points as the favouring of returned soldiers and local grievances about food requisitioning as good talking points. So far we are not seriously worried about the effect of such criticism. The general political situation is firmly stuck, and will, I think, remain so unless we take a hand.

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Mr Amery to Mr Churchill

L/P&J/8/520: ff 133–4

TOP SECRET *6 November 1944*

Secretary of State's Minute: Serial No. P.39/44

Prime Minister

The Viceroy has sent me a copy of his letter[1] to you.

I attach the paper[2] which the Viceroy sent to me earlier and to which he refers on page 12[3] of his letter. At Wavell's request I have taken no action on it until now, except to elucidate certain points and make an alternative suggestion.

Broadly speaking, what the Viceroy now proposes is the same as the proposal he made before he went out.[4] It is that he should now attempt to form a provisional government within the existing Constitution, containing representatives of the principal political parties. No conditions would be made as to the character of the future Constitution, but it would be one purpose of this new Government to facilitate agreement on the form of the post-war Constitution.

The Viceroy has told me that all the Governors are agreed that a move ought now to be made in the political field and that Colville and Hallett, to whom he has shown his memorandum, are in agreement with his specific proposals.

I have put to the Viceroy an alternative proposition, under which the present Executive would be left untouched, but a representative conference will be called to consider the constitutional future. This alternative is not acceptable to him.

I suggest that the attached paper and subsequent correspondence between myself and the Viceroy by telegram might be considered by the India Committee. Possibly you may wish to let them have also some part at any rate of the Viceroy's letter to you?

L. S. AMERY

[1] Enclosure to No. 64.

[2] Mr Amery attached No. 19 (omitting the last sentence of para. 5 and para. 6) and its enclosure as amended by No. 40.

[3] Page 132 of the present volume. [4] See Vol. IV, Chapter 2.

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Mr Casey to Field Marshal Viscount Wavell

L/P&J/8/520: ff 95–9

GOVERNMENT HOUSE, CALCUTTA, *6 November 1944*

My dear Lord Wavell,

1. All-India politics are not the direct concern of a Provincial Governor—but their importance for the future, not only for Great Britain but for the whole British Commonwealth, is my reason for writing you on the subject.

2. In addition, I am located in what I think is recognised as the most politically minded Province in India, in which Hindu-Muslim antagonism is high and mounting—and which also is the core of potential Eastern Pakistan.

3. I qualify all that I say in this letter by saying that I know nothing (except from reading and hearsay) about any other part of India but Bengal—and I have only been in Bengal nine months, and even this short period has been very actively occupied with local affairs.

4. Starting with the documents in the case. I suppose by far the most important is the draft Declaration brought to India by Cripps in late March 1942 and rejected by both Congress and the Muslim League before mid-April.

5. The draft Declaration was a clear-cut, specific and generous proposal.

The preamble envisaged the "earliest possible realisation of self-government in India" as an Indian Union in common allegiance to the Crown as a Dominion.

To achieve this, a Constitution-making body would be created (by means that are specified) immediately post-war. H.M.G. bound themselves to accept the resulting Constitution subject to the right of any Province or Provinces to contract out and to become, if desired, another "Indian Union", with the same status as the principal "Indian Union" and with its own Constitution and with the same relationship to the Crown.

The Constitution-making body (or, presumably, "bodies"—in the event of any Provinces contracting out) would negotiate a Treaty with H.M.G. covering "all necessary matters arising out of the complete transfer of responsibility from British to Indian hands". This Treaty would (presumably inter alia) contain provisions for the protection of minorities—but would not restrict the right of the Indian Union (or, presumably, Unions) to contract out of the British Commonwealth.

6. Presumably because the Congress and the Muslim League thought we were down and out, the draft Declaration was rejected in favour of "immediate independence"—or possibly it was because they believed it was only a first offer which could be the subject of bargaining and negotiation.

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7. The policy of the two communities in the first two precarious years of the war was clearly based on the contemptible attitude that England's extremity was their opportunity. Gandhi is reported to have said that the draft Declaration was "a post-dated cheque on a bank that was obviously crashing". Even if Gandhi did not say this, I would believe from what I have read, that this remark fairly reflects the attitude of mind that was general in 1942 amongst his followers.

8. Gandhi's rejection of the Cripps offer has been, I believe, much regretted in 1943 and 1944 when it was clear that we were going to win the war. It has become clear to them that the rejection of the draft Declaration was a mistake, and that they would have been much further ahead if he had accepted it. For an individual whose major decisions have been so consistently wrong, it is remarkable that Gandhi has for so long been regarded as a Statesman and Saint of India. I am no amateur of saints—but the statesman has to be able to live up to a simple criterion—that he should turn out to be right and not wrong in the majority of his decisions and statements.

9. In spite of the hindrance to the war effort for which the Congress has been responsible since their rejection of the draft Declaration, I believe that it has since been stated authoritatively on behalf of H.M.G. that the "offer" is still open—which must mean that we have not thought better of it.

10. However, the Congress (with the Muslim League tagging along behind) has sought to create the fiction that H.M.G. is insincere in its proposals for independence for India and that we are relying on the lack of agreement between the Hindus and the Muslims (which we are alleged actively to encourage) as an excuse for not implementing our pledges.

I would believe that the motives behind the above propaganda are to (1) justify themselves in the eyes of the Indian public, and (2) influence public opinion against Great Britain abroad, particularly in America.

11. If, as I believe, the draft Declaration is still "open" and if, as I also believe, there has been no authoritative statement by H.M.G. since then which alters its terms—then "Hindu-Muslim disagreement" (as to an All-India Government or a "Hindustan" and a "Pakistan") can be no bar to the implementing of our pledges. I know of no stipulation that H.M.G. envisages an All-India Constitution as a *sine qua non* to Indian independence. On the contrary, the draft Declaration envisages the possibility of "Pakistan" and offers the potential "Pakistan" precisely the same terms as "Hindustan".

(By the way, I would believe that there are two matters of importance from our point of view that would have to be secured for the future—(1) our minimum Defence requirements in India for the future (the use of naval

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ports, aerodromes and wireless)—and (2) the guaranteeing of British business in India against discrimination in any of the myriad forms that it can take.

I am surprised to hear that, in one of his Press conferences in India in 1942, Cripps is quoted as saying "We are not going to make any conditions in the Treaty as regards guaranteeing the vested rights of British interests in India".[1] I should have thought that some reasonable non-discrimination provisions would be necessary, particularly in respect of the taxation and the location of assets etc. of services such as Shipping and Insurance).

12. Leaving the draft Declaration for the moment—I would believe the following to be the main factors in the present situation—

(*a*) The political situation in India is disturbed and uneasy. Both sides are showing signs of frustration and affect to believe that we do not propose to give them independence, but that we will continue to hang on to power in India by capitalising on the Hindu-Muslim disagreement.

(*b*) I believe that the demands of Hindus and Muslims have now crystallised into irreconcilability—an All-India unitary Government on the one hand and the two-nation theory on the other—centripetal and centrifugal. The Hindus are largely to blame for the Muslim attitude, by their policy in the Congress-governed provinces between 1937 and 1939. In consequence, the Muslims are convinced that no paper safeguards can ensure them a fair deal in an All-India set-up.

(*c*) However, it is generally believed (in spite of the noisiness of the newspapers and the studied obscurities of Mr. Gandhi) that there is not much danger of serious political trouble before the end of the war against Japan.

(*d*) Preoccupation in Britain with the war in Europe and against Japan, together with the possibility of a General Election, militates against any serious concentration on the Indian problem for the next 18 months.

(*e*) The "twilight period" between the beating of Germany and the beating of Japan—say, the next 18 months—will take some handling in India. This period will probably see—

(i) the demobilisation of large numbers of Indian troops;
(ii) a large reduction in the numbers of British troops in India;
(iii) a progressively intense agitation for the release of the political prisoners;
(iv) a progressive deterioration in Hindu-Muslim relations, with the attempt by both sides to saddle us with the blame;
(v) the possibility of outbreaks of disorder between Hindus and Muslims.

[1] See Vol. I, p. 542.

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13. I would believe that all this points to the desirability of some considered statement by H.M.G. (probably by Mr. Churchill himself) in the near future designed finally to lay the ghost that we are using Hindu-Muslim differences to avoid implementing our pledges to India—and stating categorically that we still adhere to the terms of the draft Declaration.

14. I believe that the mere re-publication of the draft Declaration (in a context in which it will be read again) would clear the air a great deal. Most people have forgotten what was in it. On reading the text again, the question automatically rises "What more is it possible for the British to say?"

15. At the same time, as soon as the Presidential Election fever is over in the United States, I would personally like to see some pretty strong-arm publicity on the Indian problem, in aid of ourselves, in the United States. We have a good mouthpiece in the shape of Halifax. After all, if it is the fact that the draft Declaration still represents the views and intentions of H.M.G., it is a very powerful answer to all the vague charges against us and its re-publication and underlining could not but do good.

I think it is most important that when the Presidential Election is out of the way, we should combat the distorted presentation of the India problem in the mouths of professional anti-British agitators in America and stop this propaganda from becoming a means of driving a wedge between Britain and the United States.

16. The position is that we have let others stir the pot for some time both in India and in the United States. I believe that we have a lot of good cards in our hand—and that we should draw attention to them in simple and telling terms.

17. If, as I suppose, we do not intend to make any new political move of consequence in India until the whole war is over—and that our task is to hold India steady until then—I do not believe we can achieve this by complete silence on the part of H.M.G. By so doing, we merely leave the field to the various Indian protagonists and propagandists who outdo each other in falsification of our position—and we enter the immediately post-war period of negotiation in the worst possible atmosphere.

18. As to the Hindu-Muslim embroglio (as to an All-India Constitution, or a "Hindustan" and "Pakistan")—I fail to see how we can influence the outcome one way or the other. If we come down on the Hindu side or the Muslim side, we make even more enemies than we have now. We can give the Indians independence but we cannot give them unity. I would believe that we have to be completely neutral as between All-India on the one hand and Hindustan and Pakistan on the other. I think that Pakistan is nonsense, but I believe, on the present outlook, that it is an inevitable stage on the journey. I would expect

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Pakistan to come about—and also I would expect Pakistan to be back within the fold of All-India within a relatively short period of years, poorer and wiser.

19. After all, our major interest is to have an India that is as friendly as possible towards us in the post-war world. We do not want in particular to antagonise the Muslims because—

(*a*) they have been our friends and supporters for a great many years;
(*b*) the potential N-W and N-E Pakistans lie across the track of our major imperial line of air communication; and
(*c*) we do not want to antagonise their Muslim cousins in the Middle East, who also lie across our imperial communications by sea and air.

20. I would envisage it being said privately but authoritatively to Jinnah and to any other Muslims of consequence who are worth talking to—that if the Muslims want Pakistan, they can have it, so far as we are concerned. I would not hide the fact that we think it is a mistake, but I would hasten to add that our views on this are solely the views of a friend and well-wisher, that the matter is one solely for their own decision and that, if they decide they want Pakistan, we will give exactly the same treatment and consideration to Pakistan as we propose to give to Hindustan.

21. As to the speed with which Indian independence can be achieved—I can see no real advantage for anybody in not pressing on with the necessary stages as quickly as possible as soon as Japan is beaten. I believe that it is the unfortunate fact that the great majority of educated Indians dislike us and want us out. Admittedly, this is the result of nearly a generation of intensive propaganda, principally by the Congress—but the reason for it is now unimportant: the fact is that we remain in "power" in India against their will. As so many Indians say to me—"We are a subject people—and we resent it".

22. I know very well that there is a small minority of Indians who are "loyal" to the British connection, mostly the older generation and those who fear that their rights and assets would be less secure if we were to go—some wealthy zemindars and some highly westernised Indians. However, they are silent and have no influence.

23. I believe that (at least in the Provinces that are not under Section 93) our present degree of control over affairs in India is limited. Except as regards the Defence services, we are neither in the saddle nor out of it. As soon as the Provinces that are now under Section 93 revert to constitutional governments, our influence will be less still.

24. An early indication that not only do we propose to implement our pledges—but that we propose to do so on the basis of as rapid a time-programme as possible (even to the extent of laying down a time-programme)

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would rob the present anti-British propagandists in India and elsewhere of their most potent gambit—and might create a better atmosphere than now exists.

I am,
Yours sincerely,
R. G. CASEY

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/520: f 131

IMMEDIATE INDIA OFFICE, *7 November 1944, 11.45 am*
PRIVATE

879. Private. Superintendent Series. 1. Your letter to Prime Minister received and forwarded.[1] I am suggesting to him that your memorandum and official telegrams should be considered by India Committee.

2. I think that points made in your 17–U[2] would be better made at rather later stage but please have official telegram in draft for despatch on request from me.

[1] See No. 90. [2] No. 69; see also No. 85.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET VICEROY'S CAMP, LAHORE, *8 November 1944*

Many thanks for your letter of 26th October.[1] I have seen your telegram[2] about war service increments and Japanese campaign pay, and it will be discussed in Council as early as possible, perhaps on the evening of 11th November. I agree with you that the question whether India or the United Kingdom should pay is less important than the inflationary issue and that we should do all we can to get the inflationary strain eased. My task has not been made easier by His Majesty's Government's brusque and unhelpful attitude about the rate at which the pay increases are to be converted into rupees.

2. In paragraph 11 of your letter you mention the possibility of arrangements to enable the Indian soldier to take part in the next elections. I note that you are writing to me about this. We have already taken up with Provincial

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Governments the need for ensuring that people who were on the electoral rolls before the war began are not struck off the rolls merely because they are away on war service, and that people who would clearly have qualified by residence had it not been for the war are entitled to have their names entered if their absence is due to war service. I gather that you are going to raise the much wider issue of voting by absentees. There are many difficulties about this, and still more about the Army constituencies you suggest. I will deal with the matter when I receive your letter.

3. I agree that an Executive dependent on a Parliamentary majority is unsuited to India. But I am not clear that it would be wise in a country already divided into innumerable castes to set up a functional electorate in preference to geographical constituencies. The second suggestion in paragraph 12 of your letter that there should be primary electorates based on the village or the city ward, with secondary election to the Provincial Legislatures, and election to the Central Legislature by the Provincial Legislatures, has much more to commend it.

4. Auchinleck is to preside over a Committee of Council on India's National War Memorial. The idea he favours himself is that we should establish something on the lines of West Point—an institution giving a really good general education and passing many of its students out as Commissioned Officers in the Fighting Services. Those not entering the Fighting Services could take up any career they pleased, but perhaps with an obligation to serve in time of war. This idea may appeal to my Indian Colleagues, and several of the Governors seem to be in favour of it.

5. I gave you in a postscript to my letter of 1st November[3] some account of the first day's proceedings in Council on the South African controversy. You have since had an official telegram[4] giving a full summary of the discussion and of the decisions taken, and a private telegram[5] from me giving additional information. The line taken by Mudaliar on the first day prevailed, and on the major issue of the Trade Agreement and economic sanctions we decided to refer to His Majesty's Government before taking action. The application of the Reciprocity Act to the Union was announced forthwith. As you know, this announcement means very little by itself as the few South African residents in India cannot be subjected to disabilities until rules are made under the Act. Even when the rules are made, the effect will hardly be noticeable. Khare was

[1] No. 72.

[2] In tel. 24398 of 30 October replying to the G. of I., War Department's tel. 8776 of 22 October (see No. 57, note 4) the Secretary of State urged the Council to reconsider their refusal to accept the cost of the increases for personnel of the British Forces as a charge on Indian revenues, and their decision to extend Japanese Campaign Pay to Indian personnel even while serving in India. L/Mil/File 1255 of 1947.

[3] No. 86. [4] and [5] L/P&J/8/301.

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strongly against recalling the High Commissioner, and Council accepted his view. The application of the Reciprocity Act to the Union seems to have caused comment in the South African press, and I fear that Shafa'at Ahmad Khan may have stimulated Indian agitation on the lines of his own intemperate telegrams. According to one press report, Indians in Natal are demanding immediate action very like that advocated by Shafa'at Ahmad Khan.

The debate in the Assembly on our grievances in South and East Africa took place on 6th November. I have seen only the press reports. Khare moved a colourless resolution, and there were amendments recommending the full use of the Reciprocity Act, economic sanctions, and the recall of the High Commissioner. Khare seems to have stated his case quite well, though he was indiscreet in his references to the unanimity of the Executive Council and to the possibility of economic sanctions. He did not, however, as far as I know, give any undertaking about the Trade Agreement or the stoppage of trade, and he said that he was against recalling the High Commissioner. He was supported by Sultan Ahmed in what seems to have been an emotional speech. Sultan Ahmed surprisingly took a less temperate line in Council than most of my Colleagues. On the whole the Opposition were satisfied that the Government of India were doing everything possible, and the amended resolution was passed without a division. This of course commits us to nothing, and as Khare did not give way on the main issue, we can await His Majesty's Government's reactions before moving further. But the situation is not easy, and illustrates well the weakness of our present constitutional arrangements. As you say, much of the sensitiveness about Indians overseas is due to the fact that India is subordinate to His Majesty's Government. The feeling is that His Majesty's Government have no right to let a Dominion do as it pleases with its Indian residents, and at the same time to prevent retaliatory action by India. With an old style Executive Council of officials who were thick-skinned and prepared to take orders from His Majesty's Government, matters of this kind, though unpleasant, were not unmanageable. The Members of the present Executive Council are more sensitive to public criticism, and have neither the stolidity of an official body nor the fighting power of a political Cabinet. They are as reasonable as one can expect, and on big issues it is often possible to play for time. But decisions cannot always be avoided, and you will find that we tend more and more to get into situations which His Majesty's Government will not like but for which they have to take responsibility.

6. I have received your letter[6] about the problem of the small States and will discuss it with Wylie before replying. You have certainly changed your views a good deal since we began correspondence on this problem.

7. There is no important change in the political situation. Gandhi is still talking about a fast, and the best opinion seems to be that he might begin it as

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a protest against any Government opposition to his constructive programme. Syed Mahmud has published a letter[7] sent by Abul Kalam Azad to Linlithgow in February 1943 at the time of Gandhi's last fast. I should say that this letter was drafted by Nehru, it contains the usual arguments about Congress responsibility for the disturbances. At the time it was merely acknowledged. The Congress press made a mild sensation over its recent publication.

I had a talk on 31st October with Low of the *Times of India*, who had just been to Lahore for an editors' conference. He had obviously been in close contact with Glancy, the Premier, Chhotu Ram, and the supporters of the Unionist Ministry. He was impressed with the importance of the Punjab political issue and thought it vital to the future of India. If the Punjab fell to Jinnah he believed it would be hard to avoid Pakistan. He did not think Jinnah was interested in a National Government at the Centre, and would prefer the present set-up. He had no very definite suggestions to make, but thought our great need at present was to remove the general mistrust of our intentions and to adopt a more friendly attitude at home. In India he advocated a stronger Central Government containing people like Rajagopalachari. He also said we must convince the industrialists that we meant business in industrial development. I said that the agricultural side was just as important and at present weaker than the industrial side. He agreed a little reluctantly but stressed the political influence of the big industrialists. There is something in what Low says, though I rather doubt if the fall of the Unionist Ministry would make Pakistan inevitable. His idea about a stronger Central Government really implies a Government of political leadership.

8. Sultan Ahmed has kept me in touch with his difficulties about the conference of the Institute of Pacific Relations.[8] Invitations to this conference were sent both to the Indian Institute of International Affairs and to the Indian Council of World Affairs. Sultan Ahmed does not think that there should be two Indian delegations, and as the Indian Council of World Affairs have already selected their delegation, he proposes to let them hold the field. The delegation apparently consists entirely of Brahmins, and the Indian Council of

[6] No. 71. [7] Vol. III, No. 464.

[8] The Indian Institute of International Affairs was founded in 1936 and was affiliated to the Royal Institute of International Affairs (Chatham House); its Chairman was Sir Sultan Ahmed; another prominent member was Sir Ramaswami Mudaliar. The Indian Council of World Affairs was inaugurated in November 1943 and claimed to owe its inspiration directly to the Institute of Pacific Relations; it was not affiliated to Chatham House; its Chairman was Sir Tej Bahadur Sapru. Both bodies received invitations to send delegations to the Institute of Pacific Relations Conference to be held at Hot Springs, Virginia, in January 1945. The latter accepted; its proposed delegation included Mrs Pandit, Pandit Kunzru and Mr B. Shiva Rao. The former declined on the grounds that their body had been recognised as the only competent one hitherto, that there should not be two bodies represented, and that the Indian Council of World Affairs was a partisan and sectarian body. India Office departmental note, dated 22 January 1945. L/I/1/1091.

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World Affairs are already a little nervous about it. Sultan Ahmed has telegraphed to you and suggested that as no delegation from the Indian Institute of International Affairs will be attending the conference, it might be a good thing if the British delegation could include someone—not an Indian—with a good knowledge of India. I think this is a sound idea, and hope you will be able to help. Emerson is one of the people Sultan Ahmed has in mind.

[Para. 9, on the quality of advice on nursing services received by the Bhore Committee; para. 10, on custody of the records of the Bombay Explosion Enquiry; and para. 11, on the Indian Supply Mission in Washington, omitted.]

12. Some of my Colleagues are again giving trouble by unguarded speaking. On his last tour in the South, Ambedkar made several embarrassing speeches to Scheduled Caste audiences in the course of which he is reported to have said that the Scheduled Castes were a separate nation, and that the real war was between them and the Caste Hindus. He also made a tactless speech about the Nizam's administration to a meeting at Hyderabad. The liberty of Members of Council to express their personal opinions was discussed more than once in Linlithgow's time, but no definite policy was laid down. Linlithgow, with whom I agree about this, recognised that Members of the Executive Council as now constituted must enjoy considerable freedom, and I doubt if one can do more than trust them to use their discretion. I shall speak to Ambedkar when I next see him, as he has annoyed Hope and the Nizam's Government, and has also given material for an awkward question which Sultan Ahmed has had to answer in the Assembly. We cannot insist on the kind of party discipline in public speaking that would be expected at home, but Members should clearly refrain from inflaming communal feeling and abusing the Governments of Indian States.

[Para. 13, on technical development of broadcasting, omitted.]

14. This letter has been written in the Punjab. We arrived at Lahore on 4th November, and have had a very busy time. On 6th November Glancy took me over to Lyallpur where I saw the Agricultural College and one of the colony villages. The college is evidently a very good show and has done much for the Punjab farmer. But the experts were so anxious to tell me all they knew in a very short time that it was difficult to get as clear an impression as I could have wished. The tendency in India is to keep one moving rapidly round laboratories, with enthusiasts holding forth at top speed on their pet hobbies, and to show very little of the outside work. Like other Provinces the Punjab is in difficulties about staff. The present Principal of the College, Mr. Jaichand Luthra, is, I understand, a good scientist, but would probably be more at home if he were free of his administrative and supervisory work and left to his own research. But the cadre is so thin that the Punjab Government had to put him

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in as Principal. The reluctance of British experts to come to India during the war is unfortunate, and the Department of Education, Health and Lands are already making enquiries in America for some of the men they need. If this goes on after the war, it may be embarrassing, and I hope that something may be done to get competent men out from home. If India has to turn to foreign countries for her experts, the effect not only on the political relations between Britain and India, but on commercial relations may be considerable.

The colony village was interesting, and the evidence of prosperity, or what passes for it in India, was striking. The Punjab farmer owning his own land in a well irrigated tract is comfortably off and looks it. The boys I saw at a District Board Middle School not far from the village seemed fit and alert.

On 7th November I spent an interesting morning at the Railway Workshops at Moghulpura. The railway officials were better showmen than the Lyallpur professors and I got a much clearer idea of what they were doing, though they were a little too anxious to show me their war work rather than the everyday work of the railway. I did, however, see the arrangements for repairing locomotives and the control room of the Lahore Division, from which the whole working of the North-Western Railway is directed.

I spent today in the country towards Montgomery, seeing a grain market, two stud farms originally established for breeding remounts by British officers of Indian Cavalry, and the headworks of a Canal system.

Srivastava, the Food Member, has been up here while I have been in Lahore, trying to clear up difficulties and misunderstandings with the Punjab Ministers. Discussions have been quite amicable, and I think successful, though there are one or two points still to clear up.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND SECRET

INDIA OFFICE, *9 November 1944*
Received: 17 November

Your letter to Winston[1] reached me at the end of last week. I thought it very good indeed and can only hope it will have the right effect upon him. Incidentally, however, I was a little sorry that you mentioned a scanty attendance in the House as evidence of lack of interest and goodwill towards India. The House is a curious place and only fills up when some issue arises creating real controversy, or affecting the fortunes of the Government. A small attendance

[1] Enclosure to No. 64.

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on a major subject of Imperial policy, whether it be foreign policy, India, the Dominions, or Defence, generally only draws those who particularly wish to express their views, unless there is strong objection to the Government's policy. A small attendance in an India debate means little more than general satisfaction with the Government. On this particular occasion, too, the debate had to be shifted at the last moment to a Friday, when a good many members had already fixed up meetings in their constituencies.

2. After giving Winston a day or two to read your letter, I sent[2] him your memorandum, mentioning that some elucidatory telegrams had passed between us since (but without actually sending him the telegrams, which would only have confused him) and asking him to remit the whole question to the Cabinet India Committee. I have had no word from him since and must give him at any rate a few more days before I stir him up.

3. I won't repeat on this subject what I have said in previous letters as to my own misgivings about the attempt to create a provisional government from the party leaders. But isn't there something to be said, perhaps, for Glancy's suggestion that a conference should be convened to consider the whole Indian deadlock?[3] At such a conference it is almost certain that the demand for an immediate provisional government will be raised. If the raising of it shows signs of the party leaders really being prepared to come together, you might then go ahead with greater confidence with your own scheme. If, on the other hand, as seems to be more likely, the kind of objections I have already suggested are emphasised and it becomes obvious that no agreement is really possible on that line of approach, then the informal conference might very well come to the conclusion that it must try and hammer out at any rate some main principles of agreement on the constitutional issue as a preliminary to any agreement on an interim government. In that case some progress at any rate might be made towards an eventual solution, and meanwhile you would not have upset your present Executive or shaken their authority in the public eye, but, if anything, enhanced it. On the other hand, if they did come to anything like a workable agreement on an interim government, your position *vis-à-vis* your Executive would, I should have thought, have been a much better one. You would not be upsetting them on the mere off-chance of finding successors, but be asking them to give way to a genuine demand on the part of more representative elements. It seems to me, therefore, that Glancy's idea, or some combination of that with Mirza Ismail's[4] might be a better line of approach at the immediate moment.

4. I am truly sorry that Khare spoke so intemperately in the Assembly about South Africa. To talk of going to war if India and South Africa had not been in the Commonwealth together is surely absurd. There is racial discrimination in many parts of the world outside the British Commonwealth, not to speak

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of the far more rigid discrimination against the Scheduled Castes in India. Judging by this morning's papers, the effect in South Africa has already been very bad, and if the proposed legislation is dropped, I fear the effect on the Indian community will be the reverse of helpful. The matter will inevitably now have to come before the Cabinet, and though I can point out that India is within her constitutional rights in denouncing the Trade Agreement, I should certainly be met by the view that the actual suspension of trade in regard to particular commodities seriously affecting the war effort is a matter to which the Cabinet cannot be indifferent and in regard to which your authority to override your colleagues where the safety of India is concerned can justifiably be invoked. The best solution that occurs to me at the moment would be for the denunciation not to be followed by any actual severance of trade relations during the war. After all, India stands to lose much more by such severance than South Africa. But very probably I may be telegraphing to you before this reaches you.

5. The food situation is moving satisfactorily and the Ministries of Food and War Transport are now in line as to what can be secured for the early months of 1945. I hope within the next few days to get the agreement of the Foodgrains Committee to a report to the Cabinet recommending action and a statement to the House of Commons. The statement would probably be French's[5] though owing to its length I would only actually read out part of it, circulating the rest for printing in Hansard and seeing to it that the press telegraph out the whole statement. Cherwell unfortunately has come back from America, but I do not think he is now in a position to be seriously obstructive.

[Paras. 6, 7 and 8, on welfare of British troops in India, omitted.]

9. It must be a great relief to all of you to know that Stilwell has been got rid of, and as the result, not of his failing to get on with our people, but of a quarrel with Chiang Kai-shek. Incidentally, the wholesale debunking of China which is going on in America at present may possibly bring India into better perspective in American eyes. Oliver Leese, I imagine, will also be a very effective addition to Mountbatten. He certainly has great charm in his quiet way and everything I have heard of him points to his having also real gifts of leadership. However, you will know all about that.

10. I enclose for your personal information a copy of a letter[6] received by the Dominions Office from the United Kingdom High Commissioner in Canada reporting on informal conversations he has had with the Canadian Prime Minister and others on the problem of the enfranchisement of Indians in British Columbia. It shows pretty clearly the internal political difficulties to

[2] No. 90. [3] See Nos. 70 and 78. [4] See No. 87, para. 2. [5] See No. 23, note 2.
[6] L/P&J/8/218.

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be overcome in this matter and the absence of any hope for the time being that we stand to gain by pressing the Canadian Government. I can only therefore continue to report to you officially that there have been no further developments. The reasons for the failure to make progress will I am sure be explained to the Department by Bozman as the result of his personal discussions in Ottawa which it is good news to hear from MacDonald have helped.

[Para. 11, on the postponement of the question of a High Court for the Province of Orissa, omitted.]

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War Cabinet Paper W.P.(44)632

L/P&J/8/301: ff 275–6

Indians in South Africa

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *10 November 1944*

I have circulated recent telegrams from the Government of India relating to the dispute with South Africa over the recent anti-Asiatic legislation in Natal. I append a memorandum explanatory of the history of the dispute and of the retaliatory measures taken and proposed by the Government of India. I am consulting the Secretary of State for Dominion Affairs to see whether any effective action can be taken from here to intervene in this unfortunate affair.

A regrettable effect of the dispute is that it will stiffen the Government of India's objections to the operation from bases in India of the South African Air Squadrons which, in response to an invitation from here, Field-Marshal Smuts has agreed to transfer to South-East Asia Command.

L. S. A.

PROPOSED RETALIATION BY GOVERNMENT OF INDIA AGAINST UNION OF SOUTH AFRICA IN THE MATTER OF TREATMENT OF INDIANS

1. The present dispute primarily affects Natal, in which the Indian population is approximately 202,000 and the European population about 200,000. According to the 1936 Census, approximately 80,500 of the Natal Indians lived in Durban, the European population of which in the same year was 88,000.

2. In 1939 the late General Hertzog's Government proposed to introduce legislation of general application throughout the Union providing for separate

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residential areas for Europeans and Asiatics. (A similar measure, known as the Asiatic or Areas Bill, had been introduced by General Hertzog's Government in 1925, but had been withdrawn as the result of a negotiated agreement, known as the Cape Town Agreement, which governed the relations of Europeans and Indians in the Union from 1927 to 1938–39.) The Hertzog proposals of 1939 led to a complete deadlock in India–Union relations, which was broken only by the fall of the Hertzog Government in September 1939. The main proposals were not passed into law, but what came to be known as the Interim Act of 1939 (the Transvaal Asiatic Land and Trading Act) was passed, the purpose of which was to prohibit till 1941 the sale or hire of property and the issue of new trade licences to Indians in the Transvaal.

3. On coming into power in September 1939 the Smuts Government announced that they would not proceed with legislation for the segregation of Indians during the war, and that a Commission of Enquiry would be appointed to ascertain the facts about Indian penetration into European areas. In the meantime, steps would be taken on a voluntary basis to prevent further Indian penetration. In accordance with this policy, a Commission of Enquiry was appointed in May 1940 under Justice Broome. This Commission reported in July 1941 that, while there was no substantial Indian penetration in the Transvaal, there had been considerable penetration in the Durban municipal area.

4. After the publication of the Broome Report, anti-Indian sentiment in the Union was fanned by widespread rumours that Indian penetration on a large scale had taken place in Durban since July 1941. As a consequence, Justice Broome was again called upon to conduct an Enquiry, and he reported, in March 1943, that the allegations were true. The number of sites acquired during 1942 was two and a half times greater than the highest previous yearly total, that for 1939. During the first two months of 1943 Indians paid more for sites in European areas than during any complete year dealt with by the previous Commission, and the amount so paid by Indians during the twenty-nine months covered by Justice Broome's second report did not fall far short of the total amount so paid during the whole of the thirteen complete years covered by the previous Commission. Following the second Broome Report, the Union Government immediately introduced a Bill with the twofold purpose of extending the Interim Act of 1939 and preventing further transfers of property in Durban. This Bill became law on the 28th April, 1943, as the Trading and Occupation of Land (Transvaal and Natal) Restriction Act, usually known as the "Pegging" Act.

5. The purpose of the Pegging Act, described by Field-Marshal Smuts as a "standstill" measure, was primarily to prevent further acquisitions of property by Asiatics in Durban for three years, pending an enquiry by a judicial

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Commission. This enquiry is at present being conducted under the chairmanship of Justice Broome. The Pegging Act caused widespread agitation in India and, as in 1939, insistent demands were made both in the Legislature and in the Press for retaliatory measures against the Union.

6. As it was clear that the enforcement of the Pegging Act would lead to a serious breach of relations between India and the Union, Field-Marshal Smuts himself intervened in the dispute prior to his visit to this country last April. At a meeting in Pretoria between himself, the Minister of the Interior, and a deputation from the Natal-Indian Congress, it was agreed that legislation should be introduced in the Natal Provincial Council to provide for a joint board of five, composed of two Europeans, two Asiatics, with a European Chairman, the function of which would be to license the occupation of dwellings in Natal municipal areas. On the passing of this measure the Pegging Act would be withdrawn.

7. A draft Natal Ordinance embodying the Pretoria Agreement was published on the 2nd June. It purported to make provision "for the licensing, regulation and control of the occupation for residential purposes of dwellings by persons of certain racial groups in boroughs and townships". The Ordinance was to apply to Durban, and to any other borough and township to which its provisions might be applied by the Administrator of Natal. The first reactions in India to the Pretoria Agreement were not unfavourable, but soon considerable opposition developed among Indians in South Africa to those who had participated in the Agreement, and still greater opposition became evident on the part of the more extreme Europeans. This latter opposition has been so formidable as to make it impossible for the Ordinance to be passed as originally drafted. A Select Committee of the Natal Legislature has now amended it so as to make its provisions applicable to the acquisition as well as to the occupation of residential property, and to extend it to boroughs and townships generally in Natal, and the Ordinance as amended has passed a third reading. This draft Ordinance as amended has been denounced by Indians in the Union and by the Government of India as a breach of the Pretoria Agreement. The Union Government, however, contend that there has been no breach of the spirit of the Agreement. The contention appears to be true as regards the extension of the Ordinance throughout Natal, for which provision was made in the first draft; but the extension of the proposed legislation to acquisition as well as to occupation appears to go beyond the Agreement. The Union Government feel, however, that the Ordinance in this form represents the furthest extent to which it is possible politically for them to go, in view of the attitude of European opinion in South Africa. Meantime, the agitation in India has spread to all grievances of Indians in the Union, including the franchise.

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8. In 1943, the Indian Legislature, influenced mainly by developments in South Africa, passed a Reciprocity Act, the purpose of which was to empower the Government of India to impose certain disabilities (in respect to entry, travel, the possession of property, carrying on business, and the franchise) on persons in India belonging to countries where similar disabilities are imposed on Indians. Under the Constitution, the Government of India cannot take action in respect to the franchise, and a request that the Act of 1935 should be amended to give them the necessary powers was refused by the Secretary of State for India in September 1944, on the ground that as a matter of policy he was not prepared to promote legislation in Parliament for the express purpose of enabling the Government of India to discriminate in regard to the franchise against persons domiciled in other parts of the Commonwealth. The Government of India have, however, by *Gazette* notification, taken power under the Reciprocity Act to proceed in other respects against South African nationals in India.

9. The Government of India wish also to retaliate against the Union by denouncing the existing non-discriminatory Trade Agreement between South Africa and India and to use the freedom so given to prohibit trade between the two countries. Denunciation at three months' notice is legally and conventionally within the power of the Government of India. Its immediate effects when the three months' notice expires are: (i) that Indian goods cease to be entitled to favourable tariff rates in the Union, and (ii) that both sides are free to discriminate. If the second power were fully exercised by India it would deprive the war effort in India during the first half of 1945 of 26,000 tons of tanning materials, 4,650 tons of copper wire, 2,640 tons of calcium carbide, 1,300 tons of fluorspar, 900 tons of civil explosives and 220 tons of copal. These items, all essential to the maintenance of India's war effort, comprise all but 3,000 tons (of which 1,200 tons are transhipment goods) of the provisional shipping programme for the first half of 1945. In the other direction, exports from India to the Union for 1943–4 (the best figures available) were valued at 9·9 crores of rupees, the main items being jute goods, cotton manufactures and oilseeds. Details of the trade are set out in an Appendix. It is difficult to estimate the degree of injury either to the war effort or to civil amenity in the Union including the welfare of resident Indians that would result from cessation of exports from India. It would clearly be substantial. It is, however, abundantly clear that the injury to the war effort in India resulting from cessation of imports from the Union would be serious, for, even where alternative sources are available, it may embarrass His Majesty's Government seriously to be obliged to find them for the express purpose of facilitating a trade war within the Empire.

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Appendix to No. 95

TRADE BETWEEN INDIA AND UNION OF SOUTH AFRICA

1. *Provisional shipping programme (from South Africa to India) for first six months of 1945 (long tons)*

Commodity.	*I.*	*II.*	*III.*
Calcium carbide	2,640	..	..
*Chicory	30	..	..
Chrome splits	150	..	..
*Cocoa and chocolate	..	138	..
Congo Copal	220	..	..
Copper wires	4,650	..	..
Drugs and medicines	29	6	5
Explosives, civil	900	..	..
Fluorspar	1,305	495	..
*Food-stuffs	83	..	..
*Fresh fruit	..	300	..
Mercury	25	..	..
Sperm oil	100	..	..
*Spirits	75	75	150
Steel drums, empty	..	40	..
Vermiculite	200	..	..
Wattle bark	22,130	..	..
Wattle extract	3,750	..	..
*Wines	..	75	75
Goods for Persian Gulf ..	10	..	..
Transhipment goods	1,200	5	5
Miscellaneous	850	50	50
	38,347	1,184	285
		38,347	39,531
Total		39,531	39,816

* Items starred are subject to supply allocations which have not yet been agreed and must therefore be regarded as provisional.

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2. *Value in lakhs of rupees of Imports and Exports for financial year 1943–44*

Exports to the Union.		*Imports from the Union.*		
				Approx.
Jute bags	259·2			
Jute cloth	49.8	Barks for tanning		50·2
Cotton manufactures—		Copper, unwrought ..		26·3
Piece-goods	232·1	Precious stones		89·9
Yarn	49·1	Dyeing and tanning—		
Linseed oil	21·7	Substances†	(54·2)	Details not available
Groundnuts	96·9	Calcium carbide	(4·5)	
Tea	24·9	Explosives ..	(13·9)	
Paraffin wax	87·1	Others ..	(51·5)	
Sheepskins (tanned) ..	15·3			
Others	164·3			
Total exports	990·4	Total imports	(124·1)	258·5

† Figures in brackets are those for 1941–42.

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Field Marshal Viscount Wavell to Mr Casey

L/P&J/8/520: ff 100–1

TOP SECRET AND PERSONAL *13 November 1944*

No. 592/14

My dear Casey,

Many thanks for your interesting letter of 6th November[1] on the political situation. I agree with most of your analysis in the first ten paragraphs. I am doubtful about the safeguards to which you refer at the end of paragraph 11. If India acquired a constitution on the Cripps model and made a treaty with H.M.G., safeguards for British business would be effective only so far as we were prepared to see that they were enforced, presumably by economic sanctions or the threat of them. In paragraph 12 you say that war preoccupations and the prospect of a general election in Britain militate against concentration on the Indian problem for the next eighteen months. I agree, but hope that progress is not quite impossible. At the end of the same paragraph I should myself have mentioned the certainty of a progressive deterioration in the relations between Britain and India. The risks of communal trouble are great, but both Hindus and Muslims will be very bitter against us too.

[1] No. 91.

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2. Your remedy is a restatement of the Cripps offer with, so to speak, an introduction by the Prime Minister, and an intensification of publicity on the British side of the Indian problem. I doubt if a mere restatement of the Cripps offer would do, as the Muslims would certainly stand out for their own idea of Pakistan, which has, I think, crystallised since the Cripps offer. Your own views on Pakistan in paragraphs 18–20 are perhaps not entirely consistent with your views on the Cripps offer. My own belief is that in the long run the Muslims may abandon Pakistan in its crude form, and accept some loose form of Federation, but I doubt if they will do so yet.

3. I gather that your idea is that no move is possible until the whole war is over, i.e. until Japan is beaten (since I presume you see that as the final Act). I do not believe that the atmosphere will be any more favourable for a settlement at the end of the war than now—in many respects less so—and if any preparatory moves were possible now, it would be advantageous to make them.

4. I agree with what you say in paragraphs 22 and 23—this is a most important part of the problem, and is not appreciated at all at home.

5. The idea of a time schedule (paragraph 24) is attractive at first sight, but if we announced one, communal feeling would almost certainly deteriorate. Both sides would feel that they had only to hold out for a limited period to force us either to break our word or to accept some extreme solution. The difficulty about a time schedule is that it might in practice be quite impossible to work to it.

6. I am sending a copy of your letter and of this reply to Amery by the next bag as he will be interested.

Yours sincerely,
WAVELL

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Mr Amery to Mr Churchill

L/PO/8/51b: f 43

SECRET *14 November 1944*

Secretary of State's Minute: Serial No. P.40/44

Prime Minister[1]
Raisman's extended term of office as Finance Member of the Government of India expires in April next. The Viceroy has abandoned the proposal put up last year that an Indian should be appointed. He suggested to me that Rowlands,

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lately Secretary of the Ministry of Aircraft Production, and now Adviser to the Viceroy on War Administration, would be the best person to succeed Raisman. Rowlands was some years ago Controller of Military Finance in India, and is well qualified for the post.

I consulted Anderson, who fully agreed that Rowlands was the best choice. Rowlands has now accepted the appointment.

L. S. AMERY

[1] Initialled 'W.S.C.' on 20 November. L/PO/8/51b: f 34.

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Political Department (India) to Secretary of State

Express Letter, L/P&S/13/982: ff 264–9

No. D.4116–P/44. *14 November 1944*

Reference papers forwarded with Political Secretary's letter No. 72/F–(A)–M/44 dated 4th November.[1] Deputation of Princes.

2. I enclose draft of reply which I propose to issue. Would be glad to know by telegram that you agree with its terms.

His Excellency the Crown Representative has seen.

The issue of the above has been authorised.

C. L. GRIFFIN
Secretary to His Excellency
the Crown Representative

Enclosure to No. 98

SECRET POLITICAL DEPARTMENT, NEW DELHI, *The . . . 1944*

D.O. No.

I am desired to refer to your letter of 13th October to Sir Francis Wylie and to convey the Crown Representative's observations on the various matters discussed by the deputation of Princes, led by Your Highness, which met His Excellency on the 15th and 16th of September last.

2. The Crown Representative is glad to observe that the Princes agree generally that the smaller type of Indian States, which due to their exiguous resources cannot by themselves maintain an efficient standard of administration, should co-operate with some other State or States to secure this essential end. His Excellency notes—and concurs in—the deputation's view that in inviting

[1] The papers consisted of a record of the meeting of the Princes' deputation and Lord Wavell on 15 and 16 September 1944 which the Nawab of Bhopal sent to Sir E. Jenkins and Sir F. Wylie on 13 October 1944. L/P&S/13/982: ff 270–83.

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small States to co-operate with their neighbours in order to secure improvement in their administrative arrangements there should be no suggestion that all such States are grossly misgoverned. Cases of gross misgovernment, as you correctly point out, fall to be dealt with by the Crown Representative in accordance with a separate and well-established procedure. The Crown Representative is interested to know that the Standing Committee of the Chamber of Princes has set up a Committee under the chairmanship of His Highness the Maharaja of Bikaner to define the minimum standards of efficient administration which the smaller States might normally be expected to maintain. While His Excellency is in some doubt whether it is in fact possible to devise a formula which will cover the very diverse conditions obtaining in the Indian States or embrace the many different prerequisites which go to the formation of an efficient administration I am to say that the findings of this Committee will be awaited with interest. The three specific suggestions which the deputation put forward for improving the existing procedure in grouped areas may now be summarised:—

(*a*) that Boards of Control for the working of Joint Services should consist only of Rulers representing full powered States and should not contain representatives of States under minority or other management or representatives of States where residuary powers of jurisdiction vest in the Crown Representative,

(*b*) that Joint Advisers etc. should not deal with Political Officers over the heads of State administrations or Boards of Control,

(*c*) that the working of the various schemes of Joint Services which may be in operation at any given time should be subjected to periodical review by a small Committee consisting of the Chancellor, a few Rulers and the Political Adviser,

(*d*) that the Standing Committee of the Chamber of Princes be given an opportunity to prepare a scheme of minimum standards for efficient administration and to suggest alternative ways of meeting the difficulty presented by the existence of petty Indian States which cannot from their own resources conform to such standards; that thereafter for a period of two years the States may be allowed to work out a scheme of their own without interference from Political Officers, the position to be reviewed after the expiry of the period mentioned.

The Crown Representative realises that the association of representatives of States under management (for whatever reason) with Boards of Control has not in all cases met with the approval of Rulers of full powered States. Nevertheless the alternative—that these States should be required to contribute to the cost of Joint Advisers &c. without having a say in their appointment and control—would seem to go against the whole principle underlying the

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co-operative plan. It must be realised, the Crown Representative thinks, that minority and other forms of management do not last indefinitely and it would seem on principle to be unfair that because a State happened to be under minority management—as all States may be from time to time—it should be deprived of its right to share in the deliberations of the Board of Control. Nor is it sufficient to suggest that, if States under management do not like an arrangement whereby they should contribute to the cost of Joint Advisers &c. without having a voice in their appointment and control, they should look elsewhere. For the truth is that many Indian States are so small that there is no other alternative open to them except to join forces with the nearest group while on the other hand, if the benefits of the co-operative grouping plan are to be realised in the necessary degree, the groups themselves must be as large as possible. His Excellency is therefore reluctantly compelled to disagree with the deputation's suggestion, but he undertakes to keep all Boards of Control where States under management are represented under close observation with a view to ascertaining whether the objections which the deputation see in the existing arrangements are so serious that some alternative plan must be sought for meeting the difficulty.

His Excellency realises that once the co-operative grouping expedient has been fully developed it would perhaps be inconsistent with the principle of co-operation for Joint Advisers &c. to deal with Political Officers except through the medium of the group Board of Control. The experiment of co-operative grouping is however still at a tentative stage only, it has been devised by the Crown Representative as a possible solution of a very embarrassing problem and His Excellency trusts that you will not at this stage press your objection to Joint Advisers on occasion having access to the Political Agent concerned independently of the Board of Control. I am to assure Your Highness that Political Officers are fully seized of the necessity of keeping their interference with co-operative grouping arrangements restricted to the absolute minimum but until the expedient has established itself firmly—may be on somewhat different lines in different areas—occasional intervention on the part of Political Officers with the purpose of co-ordinating and stimulating co-operative grouping schemes is unavoidable. In this connection I am to say that the Crown Representative considers that your suggestion that individual States should report annually or six monthly to the Board of Control, showing the degree to which they have been able during this period to accept the advice of Joint Officers, is an excellent one and might be implemented straightaway.

The Crown Representative gladly accepts your suggestion that the working of the various schemes of joint services and the differences if any relating thereto may be subjected to periodical review by a small Committee consisting of the Chancellor, a few Rulers and the Political Adviser. I am to suggest that this proposal be taken up in the Standing Committee of the Chamber of

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Princes and the details explored. His Excellency will watch the developments of this proposal with interest and will keep himself in close touch with the deliberations of this small Committee.

His Excellency has taken note of the objection mentioned by His Highness the Raja of Bilaspur that the employment by a number of States of a joint High Court is an invasion of the sovereignty of the contributing States. His Excellency does not accept this view. He considers on the contrary that a joint High Court, in the sense in which he understands the term, becomes the moment it enters the borders of a contributing State the High Court of that State deriving its right to administer the laws of the State from the Ruler and from no other source.

His Excellency will always be glad to receive suggestions from the Chamber of Princes or from individual Princes designed to improve co-operative grouping procedure as the latter is at present organised. He cannot however agree that the existing experiments, which have been initiated after much thought and labour on the part of all concerned, should be suspended while the States work out an alternative scheme of their own. This question of joint co-operative effort on the part of small States to improve their—sometimes painfully—inadequate administrative arrangements has been the subject of discussion for many years past. The plans now put in motion fall far short of what will be necessary if the petty class of Indian States are ever to achieve a reasonably efficient standard of administration. This being the case His Excellency would be most reluctant to put the clock back and surrender such progress as has been achieved in pursuit of an alternative plan which, when it has been worked out, cannot perhaps in the nature of things differ very greatly from the plans which have been evolved and are now under trial in various parts of the country. I am to repeat however that these plans are not to be regarded as rigid. They are tentative and subject to revision and readjustment as further experience of the problem is secured. In these tentative enquiries and experiments His Excellency hopes that he will have the support, as he will always welcome the advice, of all those who are anxious to work for the enhancement of the reputation of the Indian States as a whole.

3. The existing position in this matter[2] is set forth in some detail in the correspondence ending with Sir Kenneth Fitze's letter No. F. 315-P (S)/42[3] dated the 30th of October 1942 to Your Highness' predecessor in the office of Chancellor. His Excellency has given his best consideration to the deputation's proposal that "early discussions be initiated between representatives of the Crown Department and of the States to which legal advisers of the Government of India may be invited, with the object of making effective the safeguards provided in the Government of India Act and the existing provisions of the law on the subject." The difficulties in the way of improving on the

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present legal position are however real and His Excellency doubts whether anything would in fact be gained by holding discussions of the kind contemplated at the present time. I am to assure Your Highness however that this aspect of the Crown's relations with the Indian States will continue to receive His Excellency's watchful attention and that he will at all times use his best endeavours to protect the Rulers of Indian States whether from baseless agitations against individual States directed from British India or from scurrilous attacks in the British Indian Press. Actually His Excellency is inclined to think that with the now rising standard of administration in the Indian States occasions for such attacks on the Princes and on their Governments may with the passage of time decrease. On their side His Excellency is confident that the Princes will, by wise government in their own areas, contribute to this most desirable result.

4. His Excellency has read the summary of the deputation's representations about the Attachment Scheme with much care. In the first place he desires me to remind Your Highness that the problem presented by the existence of a large number of petty Indian States is both complex and pressing. The Crown Representative has during the last years been so impressed with the necessity—in the interests of all the Indian States—of finding a solution for this problem that he is inclined to regard this subject as perhaps the most important of the issues now confronting the British Crown in its relations with the Indian States. That a permanent solution of the problem will be found either through the co-operative grouping expedient or by the process of attachment is perhaps dubious, but so serious are the consequences of a failure to find a satisfactory solution that His Excellency looks with confidence to the Princes for support and advice in his efforts to find such a solution. The deputation led by Your Highness made the following principal requests:—

(*a*) that the Instruments of Attachment be revised in consultation with the representatives of attaching and attached States,

(*b*) that no further extension of the scheme of attachment be permitted.

As regards the first of these requests I am to say that the Crown Representative has under his consideration certain proposals affecting the text of the Instruments of Attachment and that as soon as His Excellency has reached a definite conclusion on these proposals their purport will, if necessary, be communicated to the States concerned—both attaching and attached. As to the second request, I am to inform Your Highness that His Excellency has decided that this form of "Attachment" will not be extended outside Kathiawar and Gujarat so that no further amendment of the proviso to section 2(1) of the Constitution Act is actually contemplated.

[2] Protection of the States against attacks from British India.

[3] A marginal note states that this had not been received in the India Office.

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5. The question of the industrial policy of the Central Government as it affects the Indian States has since been the subject of discussion between representatives of the States and of the Central Government.[4] His Excellency trusts that as a result of these discussions the doubts to which the deputation gave expression will be resolved and that the Indian States will be enabled to play their full part in the post-war development of industrial and other activities in the country.

6. The specific suggestions which the deputation had to offer on this subject[5] were—

"(*a*) that there should be systematic recourse to the procedure embodied in the Resolution of 1920[6] when dealing with dynastic rights and with questions of gross misrule, and

(*b*) that where the issues are justiciable or relate to fiscal, economic or financial matters including the interpretation of Treaties and Agreements, recourse should be had as of right to a Court of Arbitration."

His Excellency desires me to say that he has considered both these suggestions with the care which they deserve but that he is unable to accept them. This subject has been frequently discussed in the past and for various reasons, into which it is not necessary to enter here, it has always been thought inadvisable to limit the discretion which vests in the Crown Representative under the 1920 Resolution as the text of this Resolution stands at the present time. In the prevailing uncertainty—constitutional and otherwise—His Excellency is not prepared to depart from this view, and he regrets that in this particular matter it is not possible for him to accede to the wishes of the deputation.

7. The problem of co-ordinating post-war development objectives as between the Central Government and the Indian States has also since been the subject of discussion between your representatives and those of the Central Government.[7] In the circumstances and pending the conclusion of these discussions it is not possible for the Crown Representative to comment in any profitable way on the suggestions made by the deputation. I am to assure you however that the Crown Representative recognises this problem as one of very real importance and that it is receiving—and will continue to receive—his close personal attention.

8. In connection with Treaty Rights the deputation offered the suggestion that "some effective machinery should be set up to ensure that Treaty Rights shall not be overridden". "For this purpose the Princes requested His Excellency to set up some sort of machinery whereby the views of Princes through a few representatives selected by His Excellency—including the Chancellor—are placed before him *before* His Excellency decided to take formal action in the exercise of the powers of the Crown *vis-à-vis* the States—particularly in

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such matters as *directly* affect the Princes or where policies affecting the States in general are proposed to be laid down."

Lacking any details beyond its proposed composition His Excellency is unable to form any clear idea of the matters which would be discussed with the proposed "permanent committee". On receipt of further details however His Excellency will give this proposal his careful consideration. In the meantime I am to state that there has been no change in the policy of His Majesty's Government towards the Indian Princes since Sir Kenneth Fitze wrote in his letter No. F. 376-P/42[8] dated the 4th of January 1943 to the Pro-Chancellor of the time that "the Indian Princes may rest assured that the fulfilment of the fundamental obligations arising out of their Treaties and Sanads remains an integral part of His Majesty's Government's policy . . ." I should of course add, what Your Highness already well knows, that the interpretation of the text of relevant Treaties has long been affected by usage and sufferance and has in the nature of things to be related to the necessities of changing times. The concern of His Majesty's Government and of the Crown Representative for the status and interests of the Indian Princes remains however unchanged and as deep as ever and in His Excellency's view it is in this fact that the Princes will find their best safeguard.[9]

Political Secretary

To
His Highness the Chancellor of
the Chamber of Princes.

[4] See L/P&S/13/1833. [5] Courts of Arbitration.

[6] Resolution 427-R of 29 October 1920 (as amended by resolution 224-P of 3 May 1926) of the Foreign and Political Department of the Government of India gave effect to the recommendations in para. 308 of the Montagu-Chelmsford Report. It provided that 'when a dispute arises between the Government of India or a Local Government, and any Indian State, or between two or more Indian States, or where any State is dissatisfied with the ruling or advice of the Government of India or of its local representatives, and it appears that for the proper determination of the case independent advice is desirable, the Governor-General will at his discretion appoint a Court of Arbitration to enquire into the case... The Governor-General, after consideration of the recommendations contained in the judgement of the Court, will give his decision upon the case generally and announce it to the parties'. Parties had 'such right of appeal to the Secretary of State' against the decision of the Governor General, or against a refusal to appoint a Court of Arbitration, 'as is provided for in the rules for the submission of petitions and memorials' to the King-Emperor and the Secretary of State. L/P&S/13/982: f 297.

[7] See L/P&S/13/1833. [8] See Vol. III, No. 309, note 4.

[9] This draft, with amendments in No. 118, was sent by Mr Griffin to the Nawab of Bhopal as letter No. F.344-P/44 of 2 December 1944.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
15 November 1944

Many thanks for your letter of 2nd November.[1] I agree that Munster will be a loss to the India Office. You will be fortunate if Listowel does you as well in the House of Lords.

2. I am not expecting an immediate reply to my letter to Winston[2] as I know he has been away in Paris and my views will have to be considered by the India Committee. I do not think Mirza Ismail could help us at all. Linlithgow's estimate of him was right . . .[3] The leading Dewans of the big States have at times presented an imposing façade, and I agree that C. P. Ramaswami Aiyyar is one of the most capable politicians and administrators in the country, though a part of his reputation is due to a special talent for publicity. But men who make their life career in the States are seldom really interested in British-Indian problems, and though they are often respected in British India, are not, in my view, likely to help us much to a solution. Of the Premiers of the self-governing Provinces Ghulam Hussain Hidayatullah, Aurangzeb Khan, Saadullah, and Nazimuddin are Jinnah's men, while Khizar is a rather uneasy rebel against him. Gandhi has been trying to get Tej Bahadur Sapru to call an All-Parties Conference, but Sapru is not for it and I understand he has suggested a much more modest attempt to produce reasonable proposals on the Hindu side only. Sapru is said to be very bitter both against Jinnah and against His Majesty's Government, and has grown intolerant of people who disagree with him. He thinks Jinnah would not look at an All-Parties Conference and that without him such a conference would be futile. On the other hand he sees very clearly that most educated people are tired of the deadlock and that if General Elections are held without an improvement in communal feeling, the result might be disastrous. K. M. Munshi, the former Bombay Minister, wrote to Jenkins the other day suggesting that we should establish a "Centre" which would promote the discussion of constitutional details. He thought that for the present no progress could be made with the discussion of principles, and suggested that he might see me. I had a talk with Munshi shortly after I took office and thought him a light weight, certainly not a leader. I told Jenkins to ask him what he meant by "constitutional details" as there are not many details that could be discussed without at least some general assumption about principles.

I am sending by this bag a copy of a letter, dated 6th November,[4] from Casey on the political situation and a copy of my reply.[5] Casey's ideas are not fully

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formed, and, as he says himself, his short experience of India has been limited to Bengal. His analysis of the problem does not differ very greatly from mine.

3. I agree with you that an interim government is not an easy solution. On the other hand I cannot believe that a general agreement on the communal problem is possible unless the main parties can be got together without committing themselves. The practice of throwing all the blame on the Government of India and His Majesty's Government, and making no real attempt to get down to realities is so well established that a conference of a general kind would almost certainly break up without agreement on any point. My main object in trying to form an interim government would be to face the more sensible of the political leaders with live problems which they would have to solve, instead of concerning themselves solely with political polemics and theories.

4. Political conditions in the Provinces show little change. In Sind, Dow proposes to agree to an increase in the number of his Ministers from six to nine. At present the normal distribution is four Muslims and two Hindus, but now that Khuhro is out, the numbers are three and two. Ghulam Hussain is having a lot of trouble with Gazdar, who is intriguing with some disreputable elements in the Muslim League; and would like to get rid of him. He would then, with the total number increased to nine, add three more Muslims, one more Hindu (possibly Nihchaldas) and a European. Dow is particularly keen on the European Minister because he has been unable to find a competent Director of Agriculture. He believes that a well known Sind farmer, Thomas, who used to be in the Indian Agricultural Service and is full of ideas and energy, would be ready to serve, and Ghulam Hussain is prepared to take him. I have told Dow that I see no objection to the increase in numbers though there may be some difficulty in finding three good Muslims, and Nihchaldas is by all accounts not a comfortable colleague. Ghulam Hussain's main object is to square certain Muslim interests and to win over a part of the Hindu opposition.

I have just heard from Dow that he has sworn in a new Muslim Minister, Ghulam Ali, who takes Khuhro's place, and Thomas. One of the old Muslim Ministers, Illahi Bakhsh, is away on the Haj, so the total number of active Ministers is still six. Dow will probably go up to nine later.

I gather from Cunningham that Aurangzeb's Government may be in difficulties at the next session of the Legislature and there is some reluctance to release such Congress Members of the Legislature as are still in detention.

I got the impression in the Punjab that Khizar is reasonably confident, but there is always the risk of a temporary alliance between the Muslim League and the Congress to get the Ministry out. Khizar would gladly use the Congress

[1] No. 87. [2] Enclosure to No. 64. [3] Personal comment omitted. [4] No. 91.
[5] No. 96.

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Members if he could, but they do not yet seem to have made up their minds what line to take.

5. The Assembly debate on South Africa has had a bad press in the Union, and I am not surprised. I have been very much concerned during the last few days at Shafa'at Ahmad Khan's increasingly intemperate attitude. He abuses Kajee, the Indian leader, almost as much as Smuts, and a few days ago wrote to Senator Clarkson with a copy to Kajee (or *vice versa*, his telegrams are not clear) saying that the Government of India would not recognise any agreement between the Union Government and the South African Indian community unless it was sanctioned by the High Commissioner. He has in fact set himself up as the spokesman of the Indian community and given the impression that we are against a local settlement. The instructions issued to him in 1941 said that he was not to act as the spokesman of the Indian community, and added that before making official representations to the Union Government he should obtain instructions from the Government of India. Our safest course would undoubtedly be to recall Shafa'at Ahmad Khan, but if we did so, even though we said the object was consultation here, it would be assumed in India and in South Africa that we were making a further protest. Khare is anxious not to recall him at present, and for the moment I have agreed to the despatch to him of a telegram pointing out that he has departed from his instructions and requiring him to inform the Union Government that we are not opposed to a direct settlement, but reserve the right to intervene if we think such a settlement unsatisfactory. But we may have to get him back, as I feel that his intemperate attitude may harm our very legitimate case. I think that, being about to leave South Africa anyway, he is scheming to come out in a blaze of glory as a patriotic Indian who has made a great stand for Indian rights; and that *après moi le déluge* is his motto. I wish we had someone with a little more balance in his appointment at this crisis.

[Para. 6, on welfare of British troops; and para. 7, on a Lutyens memorial, omitted.]

8. Srivastava had a rough passage in the food debate. He is inclined to be sanguine and was so pleased with the performance of his department that he exposed himself unnecessarily. He could, I think, have got away with an ordinary adjournment motion, but in the end he offered a full day for discussion, and this was later extended to three days. The Assembly were not impressed by what seems to have been an over-optimistic statement on behalf of Education, Health and Lands Department on the "Grow More Food" campaign. But the Opposition Members were not considering the merits of the matter and simply attacked the Government of India on the usual political lines. The Food Department have in fact done a very good job during the last year, for which both Srivastava and Hutchings deserve great credit, and if

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Srivastava did not in his optimistic moods claim too much, most people would, I believe, recognise the improvement that has been made.

9. Woodhead is in Delhi and had a talk with Abell while I was away in Lahore. Abell thought him rather depressed. . . .[6] In his view both the Government of India and the Bengal Government did not attend early enough to the rice problem which was a good deal more serious than the wheat problem. The Bengal Government should have had a procurement agency in position by September 1942, and an official agency, which the Commission will probably recommend, would have been preferable to the employment of trade agents. Woodhead also thinks that more use should have been made of the rice mills. Ramamurti, his Madras colleague, insists on breaking off in November, but the preliminary report on Bengal will not be ready then, and the main report will probably not be ready until February. I hope to see Woodhead myself in the next few days.

[Para. 10, on Russian activities in Persia, omitted.]

11. I have your letter of 27th October[7] about India's representation at the Peace Conference. I agree we can do no more about this at the moment.

I have also received your letter about soldiers' franchise. I am taking advise on it and it may be some days before I can send you a reply.

[Para. 12, on treatment of British news agencies in America and question of American news agencies in India, omitted.]

13. I shall be in New Delhi until after the session of the Chamber of Princes early in December. I then go on tour to Bombay, Hyderabad, Calcutta, Imphal (where I am to dub and decorate the Commanders who were knighted after the defeat of the Japanese), and Cawnpore. December will be a strenuous month. I hate having to speak in public, but I have to address the Chamber of Princes here, and the Dufferin cadets at Bombay. I also have to speak at a State banquet at Hyderabad, make my annual speech to the Associated Chambers of Commerce at Calcutta, and reply to Hallett at the opening of a new hospital at Cawnpore.

[6] Personal comment omitted. [7] No. 74.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND SECRET INDIA OFFICE, *16 November 1944*
Received: 23 November

The South African question is coming up to the Cabinet this evening. I have no doubt that the Cabinet are not likely to approve of any interference with the trade in articles essential to the war effort. I can only hope, from what you have said in your letters and telegrams, that your colleagues will accept that position, even if under protest.

2. I am putting your suggested compromise on the question of Japanese Campaign Pay[1] to John Anderson, and I can only hope that he may agree. But with all his other financial difficulties, and with the P.M.'s well-known attitude over sterling balances, he may very well hesitate before adding even 8 or 9 millions to that problem. It is the most difficult problem that I have got to deal with here, simply because Winston sees red whenever the subject is mentioned and will not read the papers or try and get into his head what the real actual position is.

3. I am afraid I have not been able to make any further progress this week either with Madras[2] or with the constitutional question, owing to Winston's absence at the front in France. I can only hope that perhaps I can record progress next week.

[Para. 4, on Bhore Committee's examination of nursing organisation in India; para. 5, on monorail; and paras. 6 and 7, on the elevation of the status of the Eastern States Agency to that of a First Class Residency, omitted.]

PS.—Mrs. Astley is coming to lunch with us tomorrow. We have tried several times to get hold of your boy, but he is still in Scotland.

[1] In tel. 17-U of 13 November, Lord Wavell warned Mr Amery that General Auchinleck was at present quite uncompromising on the position that if any British personnel (including E.C.Os attached to the Indian Army) were granted Japanese Campaign Pay in India then all Indian Army Officers and men must receive it otherwise the issue of racial discrimination would arise which would affect morale to a dangerous extent. Lord Wavell thought, however, that he might be able to persuade General Auchinleck to resile from this position if no Indian Army personnel—British or Indian—received J.C.P. while in India. In tel. 2100-S of 14 November, the Viceroy made the following proposals for a compromise: (*a*) the cost of the War Service Increment for all personnel serving in India would be borne by the Government of India under the Defence Expenditure Plan; (*b*) J.C.P. would not be extended to any elements of the Indian Army while serving in India; (*c*) H.M.G. would pay for J.C.P. for the British Army in India; (*d*) the Government of India would pay compensatory allowances to British elements of the Indian Army so that they did not draw less than their counterparts in the British Services. L/Mil/6/File 1255 of 1947.

[2] i.e. the appointment of a successor to Sir A. Hope.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 130

IMMEDIATE *17 November 1944*
TOP SECRET
PRIVATE

2117–S. Political situation. I realise that my proposals need careful consideration but there are signs that in absence of a move by H.M.G. conferences sponsored by Gandhi and possibly others may be held here. Should this happen any move by H.M.G. would lose much of its effect and if there is to be any move on our part it should be made as soon as possible.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/520: f 129

TOP SECRET INDIA OFFICE, *19 November 1944, 2.45 am*
PRIVATE

903. Superintendent Series. Political Situation. Your 2117–S.[1] I have not yet heard anything from Prime Minister but I understand he may be considering your letter further this weekend. He has heavy arrears as result of visit to France.

[1] No. 101.

103

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 113

IMMEDIATE NEW DELHI, *21 November 1944, 4.30 pm*
SECRET *Received: 21 November, 3.15 pm*

2132–S. Superintendent Series. Political situation. Reuters have telegraphed text of resolution of Standing Committee of Non-Party Conference published on 19th and carried by morning papers on November 20th. Resolution sets up Committee "to examine the whole communal and minorities question from a constitutional and political point of view, putting itself in touch with different

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parties and their leaders including minorities interested in the question, and present a solution within two months to Standing Committee'. It further authorises Sapru to appoint members of the Committee and [?to make an] announcement of their names.

2. At Press Conference on 19th Sapru stated or implied

(*a*) that Gandhi was originally in favour of a representative all Parties Conference
(*b*) that Sapru himself was against this
(*c*) that proposed Committee is to consist of people who are not repeat not actively associated with any of the recognised political parties and have not publicly expressed opinions on the controversy
(*d*) that Committee object will be to "lift discussion of communal and political problem from partisan level to scientific and judicial level"
(*e*) that he hoped two ex-High Court judges and possibly one or two Europeans would serve
(*f*) that Committee will do all it can to ascertain views of the various parties
(*g*) that there will be no recriminations if any party declines to co-operate, though the fact will be recorded; and
(*h*) that the Committee report will be published.

Sapru said that he had Gandhi's support. He hoped Government would "adopt a reasonable attitude to any approach by Committee for information or statistics". He thought release of Working Committee most desirable, but did not make it a condition.

3. Sapru has not yet selected his members. Gwyer, B. N. Rao, Mirza Ismail and Maharaj Singh are among those mentioned, but composition is not yet settled. Until names are announced and Committee begin work it will not be possible to estimate chances of success. At present they seem small. Committee cannot avoid direct attack on communal problem. Jinnah will probably say Moslem League's position is perfectly clear and needs no further explanation. He will also point out that this is another move by Gandhi who is always trying to by-pass either His Majesty's Government or League and hopes this time to work up publicity against and possibly split League. With one or two exceptions e.g. B. N. Rao, Indian members of the Committee are not likely to carry much weight. I have a poor opinion of Sapru who is bitter and intolerant.

4. I am therefore making no move here at present. In reply to short notice question in the Council of State today we are saying Government will consider sympathetically any request by Committee for assistance. I will see that all reasonable assistance is given but do not intend to make offers or suggestions. If Sapru asks to see me I will see him, but shall not invite him. I am told Sapru

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does not expect more than this, and active intervention would only harden League opposition and make the Committee's task more difficult.

5. Gandhi has for the moment regained the initiative through Sapru. But a move by His Majesty's Government will be needed either when the Committee fails, as it probably will, or when its report is published. Our move must certainly not be timed so as to give the impression that we are frustrating sincere attempt at settlement by Indian leaders, and delay of anything up to two or three months may be necessary. But I earnestly trust consideration of my proposals on general lines by the Cabinet will not repeat not be postponed. The problem is most complex and we must be ready to move fast when the time comes. Unless we are agreed on principles we shall again miss the psychological moment and lose the initiative.

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War Cabinet W.M. (44) 152nd Conclusions, Minute 8

R/30/1/5: ff 106, 108

Those present at this meeting held at 10 Downing Street, S.W.1, on 21 November 1944 at 6 pm were: Mr Churchill (in the Chair), Mr Attlee, Mr Anthony Eden, Sir John Anderson, Mr Ernest Bevin, Mr Oliver Lyttelton, Mr Herbert Morrison, Lord Woolton

Also present during discussion of item 8 were: Viscount Cranborne, Lord Beaverbrook, Mr Amery, Colonel Stanley, Mr A. V. Alexander, Sir James Grigg, Sir Archibald Sinclair, Sir Stafford Cripps, Mr Brendan Bracken, Lord Cherwell

INDIA

THE PRIME MINISTER informed the War Cabinet that there had been an exchange of letters between the Secretary of State for India and the Viceroy, which had not yet been circulated to the War Cabinet and which he thought it was desirable that they should see. He invited the Secretary of State for India to arrange for their printing and circulation.

THE SECRETARY OF STATE FOR INDIA undertook to make the necessary arrangements.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: f 354

IMPORTANT INDIA OFFICE, *22 November 1944, 5.20 pm*

PRIVATE

919. Political situation. Prime Minister has now directed that your letter[1] and memorandum to me and subsequent official telegrams be printed and circulated to Cabinet for consideration.

[1] On 23 November Mr Turnbull telegraphed (tel. 926) to Sir E. Jenkins as follows: 'Letter referred to in S/S's private telegram of 22nd November is Viceroy's letter of 20th September [No. 19] covering memorandum. Sentence in it commencing "For your private eye" is being omitted. It does not repeat not refer to letter to Prime Minister [Enclosure to No. 64]. If any objection please telegraph most immediate'. Sir E. Jenkins replied in tel. 2156 of 24 November: 'No repeat no objection'. L/P&J/8/520: ff 116–17.

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War Cabinet Paper W.P.(44)684

L/P&J/8/520: ff 106–7

INDIA

VICEROY'S CONSTITUTIONAL PROPOSALS

INDIA OFFICE, *22 November 1944*

As directed by the Prime Minister (W.M. (44) 152nd Conclusions),[1] I circulate the correspondence with the Viceroy, in which Lord Wavell has put forward proposals for a constitutional move. As the correspondence is very lengthy I have prefaced it with a summary of the proposals and of the arguments for and against them.

L.S.A.

A.—SUMMARY.

The Viceroy's Proposals.

A. The formation as soon as possible of a transitional Government at the Centre representative of the main political parties and functioning within the framework of the present Constitution. (*Ref. Enclosure to No. 19, paras. 5–7.*)[2]

Its task would be—

(i) to carry on the Government of India until the new Constitution and Treaty come into force;

(ii) to appoint the British India representatives to the Peace Conference and other international conferences;

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(iii) to consider at leisure the composition of the Constitution-making body to be set up to draft the Constitution and negotiate the treaty with His Majesty's Government.

B. As a preparatory step to A, the calling together of a small conference of the principal leaders and certain others. (The Viceroy asks for a free hand in the composition of the conference, but as one possibility suggests: *Congress*, Gandhi and one other; *Moslem League*, Jinnah and one other; *Depressed Classes*, Ambedkar; *Sikhs*, Tara Singh; *Non-Congress Hindus*, M. S. Aney; *Non-League Moslems*, Khizar Hayat Khan; *Labour*, M. N. Roy.)

(*Ref. No. 40, paras. 8–9, and Enclosure to No. 19, paras. 10–11.*)

Its functions would be—

(i) to frame agreed proposals for the composition of the transitional Government. (The Viceroy has in mind equal numbers of Hindus and Moslems, with one Sikh and one representative of the Depressed Classes, in addition to the Commander-in-Chief and the Governor-General);

(ii) to consider the best means of re-establishing popular Governments in the section 93 Provinces.

Arguments in favour.

The Viceroy considers it necessary to attempt some political advance before the end of the war, and show proof that His Majesty's Government are determined to carry out their pledges. The change over to peace conditions, demobilization, retirements from the Civil Services, &c., will make the post-war period very difficult, and it is essential to neutralise the potentialities for mischief of the present seeds of political bitterness and unrest. Continuous inaction is prejudicial even to the morale of the civil services. All Governors, the Commander-in-Chief, and other advisers of the Viceroy are agreed that an immediate move is essential. The failure of the Gandhi-Jinnah talks has deepened the sense of frustration among Indians and increased the need for a move by His Majesty's Government. Further, it has probably made nationalist opinion more ready than before for a compromise.

(*Ref. Enclosure to No. 19, paras. 1–4, and No. 39, para. 4a.*)

While some Governors have made alternative suggestions, the experienced Governors of Bombay (Sir John Colville) and the United Provinces (Sir Maurice Hallett), together with the

(*Ref. No. 78.*)

[1] No. 104.

[2] The marginal references, which originally referred to items I–VIII in Part B of the War Cabinet Paper, have been amended to refer to the relevant documents in the present volume.

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Commander-in-Chief, support the Viceroy's plan and are satisfied that it would not prejudice the war effort.

The Viceroy's main argument for his plan is that a head-on attack on the communal problem is doomed to failure; only a period of working together on India's common problems offers any hope that politicians may reach a solution of the problem. His proposals offer the best prospect of solving the deadlock, and have sufficient chance of success to demonstrate our sincerity. (*Ref. No. 61, para. 6.*)

Criticisms.

The Viceroy's plan contemplates the formation of a transitional Government in advance of any settlement, or of any commitments between the parties on the future Constitution. (*Ref. No. 52.*)

It is highly doubtful if the principal parties would accept on this basis; in connection with the Cripps offer, and at other times, Congress has rejected not dissimilar proposals for a transitional Government; while Mr. Jinnah is likely to cause difficulty not only by claiming the right to nominate all the Moslem members, but by insistence on the prior acceptance of the principle of Pakistan.

Discussion of the proposals, even if it should come to nothing, would have an unsettling effect on the present Council, as the history of the Cripps negotiations shows. Failure, too, would increase the sense of frustration and leave the situation worse than before.

On the other hand, should the proposals lead to the formation of a transitional Government, there are serious risks to face. Responsibility would be handed over to new and untried men at a time when operations against Japan are likely to throw the greatest possible strain on the whole administration. The new Council, despite superficial agreement at the outset, would tend to internal division, the parties indulging in political manœuvring, particularly with their friends in the Legislature. On certain external issues, however, they may be expected to show a united front embarrassing to His Majesty's Government. This would certainly be the case in regard to the treatment of Indians in the Dominions and Colonies, and might equally well be so in the sphere of Middle East policy, e.g., in the event of a particular decision on the future of Palestine. The new Council might well get out of hand in the course of ordinary administration so as to make the Governor-General's position impossible. A very difficult situation, moreover, would be created if it should fail to agree on the composition of the Constitution-making body. The Council also would be defective in its inadequate representation of the not unimportant classes of Indians who have loyally supported us in the past.

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The Viceroy, while admitting the force of these criticisms, contends that they are not decisive; risks must be taken in any case, and the risks arising from complete inaction are more serious than the foregoing. (*Ref. No. 61.*)

An Alternative Plan.

An alternative suggestion has been made from here to the Viceroy to provide for a course of action which would largely avoid the foregoing difficulties. The suggestion is to leave the present Executive Council untouched for the duration of the war and to announce the intention, in face of the unbridgeable gulf between the leaders of the two main parties, to set up a conference composed primarily of the other elements in the Indian polity, to discuss the basis of a future Constitution and frame proposals. The present National Defence Council (a deliberative body of about 30 members representative of the Provinces and States and of various spheres of Indian life) would form a suitable nucleus, to be supplemented by further representation of the Depressed Classes and Labour, and by representatives of the fighting services. If it is impossible to by-pass Congress and the Moslem League, they could be invited to participate, but on a relatively small scale. If they declined, the conference could go to work without them and if successful would help to undermine their claim to be the only political factors that count. Congress and the League would in any case be represented on the final constitution-making body which would be set up to consider the conclusions of the conference and ratify, amend or reject them. (*Ref. No. 52, para. 8.*)

The Viceroy characterises this plan as quite impracticable and says he could not agree to implement it. It is in any case impossible, he says, to by-pass both the main parties, who between them control the press and the electoral machinery. He says that academic discussion of the Constitution or the treaty would not strike the Indian imagination and would not be fruitful. Sir John Colville and Sir Maurice Hallett support his view. (*Ref. No. 61, para. 9.*)

But Sir Bertrand Glancy, Governor of the Punjab, advocates the immediate summoning of a conference of all parties to consider the lines of post-war constitutional development; and a similar suggestion has been publicly advocated in India by the leading Congress paper, the *Hindustan Times*, by one of the most experienced of Indian Dewans, Sir Mirza Ismail.[3] (*Ref. No. 78, para. 4.*)

[3] Cf. No. 87, para. 2.

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On the 21st November the Viceroy telegraphed that the Standing Committee of the Non-Party Conference (consisting mainly of the Indian Liberals and presided over by Sir Tej Bahadur Sapru) had decided to set up a non-party Committee "to examine the whole communal and minorities question from a constitutional and political point of view, putting itself in touch with different parties and their leaders including minorities interested in the question and present a solution within two months." At a press conference Sapru said he had Gandhi's support. (*Ref. No. 103.*)

The Viceroy is making no move beyond giving reasonable assistance if it is asked for, but he considers that a move by His Majesty's Government will be required when the Non-Party Committee reaches conclusions whether positive or negative. He trusts that consideration of his proposals by the Cabinet will therefore not be delayed.

B.—CORRESPONDENCE BETWEEN THE VICEROY AND THE SECRETARY OF STATE FOR INDIA.

I.—Letter from Viceroy to Secretary of State for India dated 20th September covering a memorandum containing his proposals. [No. 19 as amended by No. 40.]

II.—Telegram from the Viceroy dated 5th October, 1944, No. 1819-S. [No. 39.]

III.—Telegram from the Viceroy dated 5th October, No. 1821-S. [No. 41.]

IV.—Telegram to the Viceroy dated 10th October, No. 22607. [No. 52.]

V.—Telegram from the Viceroy dated 22nd October, No. 1949-S. [No. 61.]

VI.—Telegram to the Viceroy dated 24th October, No. 23891. [No. 63.]

VII.—Telegram from the Viceroy dated 29th October, No. 2004-S. [No. 78.]

VIII.—Telegram from the Viceroy dated 21st November, No. 2132-S. [No. 103.]

[*There follows the text of the documents listed above.*]

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Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/193: ff 25–6

SECRET GOVERNOR'S CAMP, *23 November 1944*

No. R.45-G.C.P.

Dear Lord Wavell,

The subject of renewed Congress activity on which you comment in paragraph 1 of your letter of the 15th November last[1] is one which continues to

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exercise my mind both because my Special Branch has drawn attention to it and because I see that Hallett has stated in his letter dated the 9th October[2] that he considers it essential for Government to come into the picture and do all that it can to bring the parties together. The Special Branch has put in an appreciation of the situation which draws attention to the strenuous efforts which are being made to revive normal Congress activities and to regain for Congress its former popularity and power. It is true that Congress has always shown remarkable resilience in recovering from a defeat such as it suffered after the first and second civil disobedience movements of 1930–31 and 1932–34 and it seems that Gandhi is again taking steps to enable it to recover its will and power to act subversively. At present the effects of the defeat in August 1942 have not wholly evaporated, but, judging from previous history, it will not be long before momentum is gained for a new movement, this time strengthened by the adhesion of the masses whom it is proposed to contact through agencies such as resuscitated Congress Committees, representative assemblies of city, town and district Congressmen affiliated to a provincial representative assembly, apparently now under formation in the U.P., the All-India Spinners' Association, the All-India Village Industries Association and cognate bodies and the Kasturba Memorial Fund Committee, all of which are designed to re-establish Congress influence among the people. It was the presence or absence of this factor of a mass movement which largely determined the strength or weakness of the August 1942 rebellion. Hallett's letter was, of course, written before the appointment of the Sapru Committee by the Non-Party Conference and I expect that he will agree that we shall probably now have to await the outcome of that Committee's enquiry before making any move. I agree with Hallett that ultimately Government intervention cannot be avoided but, as you know, I favour a Constituent Convention or Assembly based on provincial legislatures because, firstly, I do not believe that Congress and the League under their present leadership will ever come to terms and, secondly, I do not consider that a conference can produce anything authoritative and that authoritative proposals—deserving the support of the Government of India and H.M.G.—can only emanate from a body which does in some sense represent a popular electorate, however ill-informed and possibly misguided it may be. This, of course, implies a further period of waiting because a general election would be necessary before legislative assemblies representative of the people in any real sense could be constituted. It also implies that legislative assemblies would be functioning normally with the approval of both Gandhi and Jinnah, but if they refuse to agree to a Constituent Convention or Assembly based on the provincial legislatures, they would stand self-condemned in the eyes of the world.

It remains to be seen whether Jinnah will have anything to do with the

[1] Twynam Papers. I.O.L. microfilm reel 2447. [2] See No. 48, para. 10.

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Sapru Committee whose deliberations will be worthless unless he agrees to participate. It may be assumed, however, that the Committee will minimise the difficulties which lie in the way of a solution of the political problem. I do not personally expect that the Committee will take us much further and we shall, therefore, be confronted in a few weeks time with the same old dilemma of making a move of some kind or of watching Congress reorganisation with a view to using its strength to agitate constitutionally or unconstitutionally as it may think fit. It is true, I think, that Congress is as yet uncertain how far and how fast it can go and I am sure that a general unwillingness to go back to jail still endures so that progress towards the reorganisation of its supporters as a striking force must be tentative and comparatively slow. At the same time, there can be no hope of the continuance of a purely static situation such as has obtained, by and large, since August 1942 up to recently. The uneasiness of my Special Branch is, therefore, understandable and I personally fear that next summer may see the staging of some new movement. Even a 'Symbolical' movement such as we had to contend with in 1940–41 places an extremely heavy burden on district officers and must necessarily interfere with their handling of problems directly connected with the stepping-up of India as a base against the Japs. I am inclined to think, therefore, that we may have to choose between making some gesture which will stave off another movement by Congress and action which will put a stop to the measures which are now being taken to re-organise Congress activities. If a gesture has to be made, I favour a formal declaration that a Constituent Assembly will be summoned as soon as it is possible to constitute one on the basis of provincial legislatures reformed after a general election. At present, Congress reorganisation measures are within the law but I have no doubt that they aim at again placing Congress in a position which will enable it to threaten Government with awkward consequences whenever Gandhi has thought up a suitable line of attack. I have dealt with this subject at some length because I think I should let you know how my mind is working; also it seems to me important that we should on this occasion take the initiative either by declaring our intentions or by a refusal to allow a hostile Congress to get under way. Hitherto the initiative has always rested with Congress.

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War Cabinet Paper W.P. (44) 675

L/PO/6/108b: ff 344–5

THE POLITICAL SITUATION IN INDIA

NOTE BY THE SECRETARY OF STATE FOR WAR

THE WAR OFFICE, *23 November 1944*

I circulate for the information of my colleagues the attached letter which I have received from the Prime Minister of the Punjab.

P.J.G.

Annex to No. 108

COPY OF A LETTER DATED 18TH SEPTEMBER, 1944 TO SIR JAMES GRIGG FROM NAWAB MALIK KHIZAR HAYAT KHAN TIWANA

1. I can well imagine how busy you must be at present and I must ask you to forgive me for troubling you with this long letter. I venture to do so because of the urgent importance of my subject.

2. The clear signs of approaching Allied victory have led to a quickening of political activity in India. Many political parties are seeking to strengthen their position in order to gather the fruits of a victory to which they have contributed nothing. Some of these parties have adopted an attitude of barren non-cooperation and others have done all in their power to hamper at critical moments the Allied cause and the war effort of India. Without exception, these parties have used the grave crisis through which Britain and India have passed to bargain for their own ends. They refused their aid when their country most needed it, preferring to sit on the fence and to haggle for the grant of their unreasonable demands while others, more patriotic than they, gave unstintingly all the help in their power. These non-cooperative bargainers now hope to secure, first, the solution in their favour of the present political deadlock, and, later, the framing of India's constitution in a manner which will give them all that they want.

3. All patriotic Indians desire the end of the present political impasse and hope for a self-governing India as soon after the war as possible. Those Indians who have shown their patriotism by giving unstinted aid and co-operation in the most perilous hours of the war, desire to see these burning questions solved no less than the so-called patriots who thought only of turning India's danger to their own advantage. There is a growing fear among those Indians who

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have loyally supported the war effort of the United Nations, that when the future of their country is being decided their voices will go unheard in the clamour raised by the more vocal groups who have stood apart from the Allies and who claim to be the sole representatives of India. It is in the hope of preventing such an injustice that I am addressing you, confident that you will agree that those who have played the leading part in India's war, should have a deciding voice in determining her future.

4. The fear to which I have given expression is not, I am sure, unfounded. After the last Great War, when India was granted a new constitution which advanced her some way along the road to complete self-government, it was announced that this was a reward for the valiant part which India's soldiers and peoples had played in that struggle. Nevertheless, the interests and desires of those Indians who had played the most prominent part in winning victory were subordinated to those of Indians who had played no part or a very minor one. Their voices went unheard when decisions were made. India's demobilised soldiers were treated with ingratitude and lack of consideration. Their justified discontent was used to create unrest and turmoil by those whose aim was to spread disaffection throughout the country. British officers, like Sir Michael O'Dwyer, and Indian loyalists, who had worked devotedly to save the Empire, were not supported. They were left unaided to face the abuse and unrestrained attacks of men who had no claim to the gratitude of either Britain or India. If it is desired to avoid a storm similar to that which swept India in the years following the last war, these errors must not be repeated. It is essential that there should be a well-conceived and co-ordinated plan for dealing with demobilised soldiers, giving full recognition to their claims based on service and sacrifice. This plan must be made and executed by sympathetic and understanding authorities, and the ex-soldiers must not be exposed to the tender mercies of a Government dominated by political parties who have no sympathy or understanding for them. It is no less essential that there should be no abandonment and betrayal, in the face of political pressure, of loyal officers and friendly Indians who have unflinchingly done their duty.

5. In the political sphere, the people of Britain tend naturally to judge Indian questions by British standards and in the light of British conditions. In Britain, public opinion on important questions in the long run determines Government action, and public opinion is judged by what appears in the press of the country and by the utterances of the various political organizations. This works well enough in Britain where all sections of the public are organized and have a press to publish their views. In India, the press and the utterances of political leaders do not provide a safe guide to the real wishes and interests of the people. Ninety per cent. of the population is inarticulate and the press is dominated by industrial and commercial capitalists. The inarticulate mass of the people who

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are politically unorganized, form the greater part of the rural population and this includes the enlisted and loyal classes. Their interest and views are, more often than not, opposed to those of the vocal industrialists and politicians.

6. No doubt, an impression is created in the minds of those ignorant of India's peculiar conditions, that the Indian National Congress and the All-India Moslem League between them represent the viewpoints of all India as they claim to do. This is by no means so. The popularity of Congress is confined to certain sections of the people. Its strength is based largely on the wealth of many of its members and its popularity has been earned by the preaching, in season and out of season, of hatred of Britain. Alien rule is distasteful to every country and community and the Congress has earned cheap popularity by exploiting this distaste to the full. It has made full use of the opportunities afforded by the lack of firmness and determination on the part of an administration which has always retreated before the demands of this vociferous minority. For all its claims to the contrary, the Congress had done nothing to promote the welfare of the masses. The half-hearted debt and agrarian legislation of a few Congress ministries was meant to divert the attention of the people from industrial and commercial problems. The Congress is dominated by, and devoted to the interests of, Indian capitalists and seeks to strengthen their position against foreign competition at the expense of the great bulk of the people who are consumers and growers of foodstuffs and raw materials.

7. The Muslim League is less popular and has much less prestige than the Congress, and its popularity and prestige are as ephemeral as they are artificial. The general opinion in India is that the League owes much to the encouragement of the British who have sought in it a counterpoise to the Congress. Its influence in the towns is considerable and growing, but it has little influence in rural areas, though it is beginning to infiltrate into them. As with the Congress, its popularity is based on the preaching of hatred—hatred against the Hindus and, on occasions, hatred against the British for their alleged reluctance to part with power or for alleged hostility to Muslim countries.

8. My brief discussion of the position of Congress and the Muslim League is intended to emphasise that it cannot be assumed that these organizations represent the classes whose cause I plead. These classes are predominantly rural and agricultural whereas the Congress and League are urban and largely non-martial, and have no traditions of loyalty or service. The Congress is predominantly Hindu and the League is entirely Muslim, whereas the enlisted and loyalist classes, who have supported the war effort, have many interests in common irrespective of community. I ask that they should be given an effective voice in any discussions on the solution of the present deadlock and of India's future constitution—questions in which they are vitally interested. At the Peace Conference which will meet after the war, those Powers which have

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risked all to defeat the common enemy will have a deciding voice in solving international problems—not those which have stood aside from the struggle or have opposed the Allies. This just principle should apply to India also. Those who have worked hard and loyally that India might play a worthy part in the struggle, should be listened to and not those who have stood apart from and sabotaged India's war effort.

9. I cannot speak with certainty of other parts of India, but I can speak for the Punjab. A great wave of loyalty has swept the Province, similar to that which swept it in 1857. I believe that there is also a surge of loyalty in other parts of India which have not been affected by seditious movements. Of the wave of loyalty in the Punjab no further proof is needed than the fact that we have furnished more than twice the number of recruits that we furnished in the last war and the fine response of certain other parts of India indicates that there also is a wave of loyalty. The force of this loyalist movement must not be wasted: it should be conserved and exploited for the common advantage of India and of Britain. The loyalists are no less anxious for self-government than the non-cooperators, but they understand the value of, and desire to preserve, the British connection and to see India as a free and equal partner of the British Commonwealth of Nations. They have shown their love of their country by their deeds and not by the declamation of empty phrases, and they would prefer to see India a free and equal member of a great company of peoples rather than an isolated, discordant and weak country occupying a most important strategic position, and, therefore, exposed to the greed and attacks of every selfish aggressor, and unable to defend herself because of her isolation from her true friends.

10. I am sorry to have inflicted so long a letter upon you, but I feel that the importance of the issues justifies it. I have written to you as one who knows India and who, as Secretary of State for War in His Majesty's Government, will have at heart the interests of soldiers throughout the Empire. I would ask that if the Prime Minister can find a little time in the midst of his many preoccupations, you will be so kind as to acquaint him with the purport of this letter and to lay before him my urgent request. I ask for the British Government to make a declaration that in deciding the future of India, the enlisted and loyalist classes who have supported the war effort of the United Nations so faithfully and well, shall be given an independent voice and that due weight will be given to the views that they express. It is not my object to suggest in any detail what those views will be—whatever they are, my purpose will be served if they can be freely expressed and if I am assured that they will be sympathetically considered.

11. I have to make one last request. Brigadier Brayne has recently gone to England on short leave. I have asked him to see you on my behalf and would

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ask you to be so kind as to receive him. Among British officers, I consider him remarkable for his understanding of rural India and his unfailing sympathy for the man who handles the plough in peace and the rifle in war.[1]

[1] Sir D. Monteath minuted: 'We have seen this before [the India Office had already received a draft of the letter from Lord Wavell: see No. 22, para. 3]. There is a great deal in it that appeals. But the Nawab gives no indication *how* the classes for which he pleads are to be given the "independent voice". Neither under the Viceroy's plan—still less under Sir T. B. Sapru's new move—is there room provided. D.T.M., 24.xi.'

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
23 November 1944

Many thanks for your letter of 9th November.[1] The only important development in All-India politics this week is the decision of the Standing Committee of Tej Bahadur Sapru's Non-Party Conference to set up a Committee to attempt a solution of the constitutional problem. I have telegraphed to you about this. It seems that Gandhi, after the failure of his discussion with Jinnah, was anxious to call a representative All-Parties Conference and to start afresh, and invited Sapru to do the job for him. Sapru, as I told you in my last letter,[2] was against this plan, but after discussions with his friends and a further reference to Gandhi, said he was prepared to try something much more modest—a Committee of a more academic kind to collect and digest material, and to prepare a balanced report. There was then a dispute about the way in which such a Committee should be formed. I believe Sapru at first wanted the initiative to come from himself, but later accepted with some hesitation the idea of a resolution by the Standing Committee of the Non-Party Conference. I need not repeat what I have already told you in my telegram.[3] Sapru's new Committee is likely to find itself on the lee shore of the communal problem from the start; and Jinnah's attitude to it is hardly open to doubt. Its elderly, rather decrepit parent, the Non-Party Conference, is almost entirely Hindu, and has been described by Jinnah as an appendage of the Congress. Sapru settled his plan in consultation with Gandhi without reference to Jinnah, and is generally known to detest both Jinnah and the Pakistan idea. It is easy to interpret the plan as another move by Gandhi to work up publicity against the Muslim League and to split the League ranks if possible. Usman saw Jinnah a day or two ago, and Jinnah told him that the problem was perfectly simple unless

[1] No. 94. [2] No. 99, para. 2. [3] No. 103.

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people choose to make it complicated. Gandhi and the Hindus have merely to agree to Jinnah's Pakistan, and everything else would follow. If Jinnah takes this line, as he almost certainly will, Sapru will not be able to get very far. His academic Committee can succeed only if some of the members carry real weight and if the points of view of the various parties are properly presented. The composition of the Committee has still to be settled. If B. N. Rau is ready to serve, it might submit a report worth reading. B. N. Rau worked for several years in the Reforms Office here, has plenty of commonsense, knows his law, and is a good draftsman. But if the League case is not represented, the Committee's report will not cut much ice.

The immediate questions I had to consider were our attitude to the Committee, and the effect of Sapru's announcement on the proposals now before the Cabinet. As I reported in my telegram, I decided, after consultation with Mudie, to give the Committee all possible help—information, statistics and so on—that they might ask for, but not to make any offer of assistance or to invite Sapru to see me. I think a general willingness to give reasonable help is in accordance with past official statements, and we need not go beyond it at present.

I realise that Sapru's move may seem to the Cabinet to make the consideration of my proposals difficult or premature. The Cabinet may say that until Sapru's Committee has failed or published a report, we shall not know where we stand; that if it fails, the reasons for its failure will be relevant; that if it reports, the report may be a suitable basis for an entirely new approach. I agree that we must not make a move which could be interpreted as an attempt to sabotage a genuine effort by Indian leaders to produce a settlement. On the other hand if we stop consideration of the Indian problem every time the Indian leaders stir the muddy waters, there will be no end to the business. We must be prepared to move quickly when a good opportunity offers, and we cannot be prepared unless we are clear about our general objective. We must decide in principle now how far we are prepared to go. We could then move when the next opportunity offers. Otherwise we shall spend the lull in discussion and lose the initiative again, as we have lost the opportunity afforded by the failure of the Gandhi-Jinnah talks. For these reasons I hope that my proposals will be considered by the Cabinet, though action may have to be delayed while we see if Sapru's Committee can lay a good egg.

2. I saw Bhulabhai Desai on 15th November. I had ascertained through Sultan Ahmed that he would like to see me, and as I had not met him before I thought I might make his acquaintance. I enclose a copy of a short note of our talk. Desai is a Congressman of the old school, and very nearly of the old-school-tie type; he knows the world and is pleasant to meet, though he is a bitter and effective speaker in opposition. He realises that big constitutional

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changes are impossible during the war, but would like us to make a move of some kind. The present Legislative Assembly could not produce from among the elected Members as good an Executive Council as I have now, and Desai's ideas on this point are unsound.

3. Provincial politics are quiet except in Sind. Ghulam Hussain Hidayatullah sticks to his plan for increasing the number of Ministers to nine. His main object seems to be to get his son elected to the Sind Assembly in a vacancy in the Shikarpur constituency. In order to do this he has to capture the Provincial Parliamentary Board of the Muslim League, and in order to capture the Board and consolidate himself against his enemies within the League, he has to make use of patronage. Dow says that with so much waiting to be done for the benefit of the Province, the constant political intrigue, usually with small personal objects in view, is most troublesome, and makes efficient administration impossible. There are signs that Ghulam Hussain Hidayatullah is not getting on too well with Jinnah. The appointment of Thomas as a Minister, though welcomed locally, has been criticised both by Muslim and by Hindu newspapers outside Sind.

Many thanks for agreeing[4] to the appointment of non-official Advisers in Madras. I will inform Hope, but shall do no more until His Majesty's Government's attitude on the political situation is clearer.

4. I agree with you about the tone of the South African debate. Khare is easily excited, and Sultan Ahmed seems to have been carried away by emotion. Khare's department is far from expert, and his own ideas and those of his officials about the conduct of relations with other countries are extremely crude. I have replied to your recent telegram about the recall of Shafa'at.[5] I doubt if Khare or his department would have realised the mess Shafa'at was getting himself into if I had not seen his telegrams in circulation and drawn their attention to the fact that he was obviously out of control. Even then, until a very sharp note from the Union Government was received,[6] Khare

[4] See No. 77, note 4.

[5] On receipt of a telegram from Lord Wavell (2124-S of 18 November) reporting Sir Shafa'at Ahmad Khan's latest démarche (described in No. 99, para. 5) Mr Amery had telegraphed to Lord Wavell urging Sir Shafa'at's immediate recall 'for consultations' and suggesting that if the announcement of this step was coupled with a statement to the effect that the arrangements regarding his successor held good, then the risk that the Union Government might misinterpret it as a further protest should be forestalled (tel. 908 of 20 November). Lord Wavell replied in tel. 2133-S of 21 November that he would consider the position again when Dr Khare submitted his draft reply to the Union Government's note (see note 6 below). L/P&J/8/301: ff 217, 216, 214.

[6] This note, dated 13 November 1944, acknowledged receipt of a copy of Sir Shafa'at Ahmad Khan's letter to Mr Kajee (see No. 99, para. 5). It commented on the fact that 'this declaration of basic policy on behalf of Government of India should be addressed to a South African national instead of directly to Government of Union, who are only favoured with a copy'. It argued that the effect of this declaration that the G. of I. would not in future be bound by any agreement arrived at between the Indian community and the Union Government, might be to deter the former from further

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did not realise what he was in for. I think he understands the position now, but he is still worked up by the session of the Legislature and the constant pressure on him from Members and others, and I shall wait until he submits his draft reply to the Union Government's latest note before raising Shafa'at's recall again. The South African business will have to come before Council shortly when His Majesty's Government's views about economic sanctions are known, and I may then be able to get some backing from the more experienced Members.

Since the above was drafted I have received His Majesty's Government's telegram[7] and have cabled you twice, once to clear up an ambiguity,[8] and once to ask for a less hostile reply.[9] I do wish I could get into His Majesty's Government's mind how much more difficult they make my already difficult task with Council, and how much they damage the situation in India, by their failure to conciliate Indian feeling in any way and the contemptuous attitude they often adopt towards Indian susceptibilities.

5. There is nothing special to report about food. I had a talk with Woodhead on 17th November. He is rather overwhelmed by the size and unpleasantness of his Commission's task . . .[10] His Hindu colleagues seem to be working on communal and anti-Muslim lines, and some of the files of 1943 contain material which can be used against both the last and the present Bengal Ministry, not to mention Azizul Haque and others concerned with the food administration here. The whole business has got on Woodhead's nerves. He is not very fit and has just had to go into hospital. I am told that the Civil Surgeon thinks he will be all right within a fortnight.

6. We seem to be holding the coal situation, but only just, and I doubt if a real improvement can be expected until next year. Mudaliar has decided not to extend Young's term which expires at the end of the first year. Young has plenty of ideas, but is not good at translating them into action and rubs people up the wrong way. I thought at one time that he was being old-soldiered by the senior officials in the Labour and War Transport Departments; but he has now had a fair run and a pretty free hand in the Supply Department, and I shall have to accept Mudaliar's opinion. One of our main troubles at present is that even when output is well maintained, much of the coal raised is of poor quality. The late running of trains is largely due to this, and Benthall has informed Council that the problem is very serious.

7. Linlithgow used to see the members of the European Group once during each session of the Legislature. I have kept this up and saw the members, headed by Sir Henry Richardson, on 18th November. I enclose a copy of a note[11] I made at the time. They are mainly interested at the moment in getting men released from the Fighting Forces to work in the commercial firms and in industry. It is correct that once the execution of development plans begins,

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the business firms out here will need reinforcement. They have lost most of their younger men and a very high proportion of their total British strength. It would, however, be quite impossible for the Commander-in-Chief to agree to wholesale releases at present, though we must try to arrange the early demobilization of key men. The deputation also mentioned passages to and from the U.K. I have seen your official telegram about the control of commercial passages at this end and the private warning which accompanied it. I have had a preliminary report from the Defence Department which did not satisfy me, and I have made further enquiries. I hope to get a telegram off within the next few days, possibly before this letter is posted.

8. The small Mission which is to examine the possibility of recruiting for the various Civil Services from the Fighting Forces in India and S.E.A.C. has arrived. They are concerned mainly with the mechanics of recruitment, e.g., the extent to which applications can be collected and scrutinised, and the possibility of conducting qualifying examinations and holding preliminary interviews with the assistance of the Army. I have no doubt that Harris, the India Office representative, will discuss with my Home Department the much wider problem of how we are to keep the I.C.S. and the Indian Police going after the war. It seems certain that there will be a good many retirements at the top, and there is a feeling among the junior British officials that service in India is no longer financially attractive. It is admittedly less attractive in other ways than it used to be. We must therefore expect a good many applications for premature retirement, and as there has been no British recruitment since early in the war, we shall start the peace period with very small cadres and doubtful prospects of securing recruits of even average quality. Casey dealt with the matter in a letter of 30th October to me, and I enclose an extract.[12] His estimate is that after 1946 there will be only four British members of the I.C.S. in Bengal with over 25 years' service in appointments on the executive

footnote 6 cont.]
dealings with the latter and so prevent 'any attempt in South Africa to arrive at a settlement between those primarily interested'. It also protested that the declaration amounted to 'an open attempt at interference in domestic affairs of Union', was thus a violation of clearly established rules of international behaviour, and might therefore 'gravely affect the relations between the two countries'. Khan to Khare, tel. 3139 of 15 November 1944; *ibid.*, f 121.

[7] The War Cabinet, at their meeting of 21 November 1944, had approved a reply, jointly recommended by Mr Amery and Lord Cranborne, to the Government of India's request for H.M.G.'s support in making the termination of the Trade Agreement effective (see No. 93, para. 5). This reply, despatched as tel. 26484 of 22 November, stated that H.M.G. 'could not and would not approve the enforcement' by the Government of India 'of prohibitions on the import from South Africa of materials . . . which are required for essential war purposes'. *Ibid.*, ff 207–9.

[8] In tel. 2142–S of 22 November Lord Wavell asked Mr Amery to clarify H.M.G.'s attitude regarding the *export* trade to South Africa. Mr Amery replied in tel. 922 of 22 November that H.M.G. could not approve interference with that trade either. *Ibid.*, ff 204–5.

[9] See No. 110, para. 1. [10] Personal comment omitted. [11] Not printed.

[12] See No. 79, para. 14.

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side, and that the number of such officers with between 10 and 25 years' service (perhaps the most important group in a Province) will not exceed fifteen. The problem is clearly a very serious one.

[Para. 9, on export control in Nawanagar; para. 10, on visits by representatives of British Universities to Indian Universities; and para. 11, on the succession to the Governorship of the United Provinces, omitted.]

12. I am working on the various speeches I have to make next month. The Hyderabad visit will be hard work. The programme is a very full one, and the Nizam and Chhatari have worked themselves up to the belief that I may announce some "concessions" during the visit. The Nizam would like to take over a British Indian port, to have territory formerly belonging to Hyderabad (including Berar) returned to him, to be granted a yet more exalted title, and to be free to choose and appoint the whole of his Executive Council. Wylie has sent me an excellent brief on Hyderabad affairs, and I do not intend to say anything at all on these subjects.

Enclosure to No. 109

L/P&J/8/513: f 223

NOTE ON CONVERSATION WITH MR BHULABHAI DESAI

15 November 1944

He asked leave to give me his views on the present situation. He thought that a National Government should be formed, under the present constitution, from members of the existing Legislature. He seemed to think that the two main political parties would probably agree to this, though I doubt if he really thought that the Muslim League would be prepared to accept it. He said that if such a Government was established, it would be able to help in forming a body to consider the future constitution. He thought that such a body would have to be, in his words, much more "cosmopolitan" than the Government, i.e. representative of more shades of opinion. He agreed that it should be a comparatively small body. I asked him whether, if the formation of a National Government was impracticable during the war, it would be possible to form a body to consider the constitution, independently. He seemed a little doubtful about this, but said it would be worth trying.

He also said that all section 93 Governments should be replaced by popular Governments; and said that this could be done, provided the Working Committee and other Congress members in detention were released. I said that I should welcome any genuine attempt to form a stable Government in any of the section 93 Provinces, but that I thought it should be a coalition Government and not a Government representing one party only. As to the release of

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the Working Committee and other Congress members in detention, the first object of H.M.G. and the Government of India must be to win the war as quickly as possible; and I did not see how people who were under detention for having hampered our conduct of the war could be released until it was evident that they were now prepared to co-operate. He said that he thought that there would be no danger in letting out the Congress people now, but I said I did not propose to do so until there was some evidence that they would co-operate and not merely go back to agitation on the old model. He agreed on the absolute necessity of letting nothing interfere with the war effort, but said that he thought the attitude of everyone had changed a good deal since August 1942. I said that I did not see any very great evidence of it so far in Mr. Gandhi's attitude, nor in the reported attitude of the Working Committee.

I think that he was genuine in what he said, and represents those political people who would be quite prepared to co-operate under the present constitution, and realise that it is impossible to change the constitution during the war, or to solve the communal problem immediately; whereas it is essential to get on with working at India's many problems. But I do not know what weight or influence he carries with Gandhi or with anyone else.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND SECRET INDIA OFFICE, *23 November 1944*
Received: 29 November

I have just received your telegram[1] suggesting the omission of the first three paragraphs of the Cabinet telegram[2] about Indians in South Africa and substituting something more considerate, leaving you to put the arguments in the omitted paragraphs personally. For my own part I welcome your suggestion and am taking it up at once with Cranborne, who, I am sure, will make no difficulties. I don't want to hang up matters by bringing the question up again to the Cabinet, but I may have to secure Winston's formal consent and that may depend somewhat on the mood he is in.

2. I hope you haven't found the delay in dealing with your Council too embarrassing. There may indeed be some advantages in delay if, as I have heard, it is just possible that the Natal Ordinance may prove on technical grounds to have been *ultra vires*. The powers of South African Provinces are very narrowly

[1] Tel. 2145-S of 23 November. L/P&J/8/301: f 196. [2] See No. 109, note 7.

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circumscribed by the Constitution and I should not be altogether surprised if the legal authorities advise Smuts that the administrator of the Province is not entitled to ratify. That might give time for reconsideration, but makes it all the more unfortunate that so many intemperate things were said in the debates in India. Also, it makes it more desirable to get Shafa'at out of the way as soon as possible.

3. Winston did read your letter[3] over the weekend and decided that your memorandum and the various elucidatory telegrams should be circulated to the whole Cabinet, leaving open for the moment whether the matter is to be remitted at once for closer study to the Cabinet India Committee. I have included in the whole batch that is now being printed your last telegram[4] about Sapru's move. I agree with you that in itself it doesn't amount to so very much; but I do think it a good sign that Indians are at last beginning to realise that it is for themselves to try and find a way out of the communal difficulty.

4. I remain convinced today, as I have been throughout, that there can be no solution of the communal difficulty so long as they think in terms of an English parliamentary executive dependent from day to day on the majority in the legislature. The miserable condition of self-government in all the Provinces except the Punjab, and indeed the sorry exhibitions of so-called democracy in Egypt, Iraq, Persia, etc., all show, not so much that these people are inherently incapable of managing their own affairs, as that our system is not suited to their conditions. It seems to me that the first essential in an eastern country is that the Government should know where it is for a definite period of years and should be able to carry out the first duties of government without fear or favour, regardless of whether it gives momentary offence to one party caucus or another. The next essential, it seems to me, in a country like India, is that the Government should be a coalition and that all the discussions round the Cabinet table should take place in the presence of representatives of the different main communities. That means something like a Swiss constitution with an independent executive elected by proportional representation by the whole legislature. There may be other ways of doing the thing, but at any rate our way will not work. The trouble is to get Indians to believe that, when this is pointed out, we are not trying to fob them off with a worse form of self-government because we do not think them capable of working the best.

5. One of my doubts indeed about your present project is that a so-called national interim Government of political leaders will continue in the frame of mind which is engendered by our constitution and that its members will be always looking to their friends in the legislature and that when it comes to thinking in terms of the constitution they will still be where they are now and see no alternative except Hindu majority rule for all India or Moslem majority rule in Pakistan. So long as the conception of majority rule prevails we shall

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make no progress, and that is one of my reasons for not liking the idea of bringing into the Government political leaders who as yet are incapable of thinking in any other terms, and preferring, on the other hand, to bring Indians, whether political leaders or not, up against the communal problem and trying to find a way round it. The way is there, and I cannot help thinking that sooner or later they will discover it if they are brought up against that issue. As I said in the House once: so long as they think in our constitutional terms, they are like wasps buzzing up and down a window pane, incapable of understanding why they cannot get out, while the window next door may be wide open.

[Para. 6, on liaison officers for army welfare; and para. 7, on Russian activities in Persia, omitted.]

8. I have just seen an interesting memorandum which General Money put in to the War Office, on the subject of making Baluchistan a main imperial military centre when India becomes self-governing. Basing his argument on the sensible point that our future imperial reserve must be largely airborne, he dwells on the fact that Baluchistan covers the whole region from Cairo to Calcutta, east and west, as well as covering Afghanistan and Persia. He also points out that the climate in the upland regions is healthy enough for European troops and believes that by boring and irrigation much more water could be obtained and life made pleasanter, while apparently the country wherever there is water grows plenty of fruit and vegetables of all kinds. He further suggests that there may be oil, convenient not only for itself, but also as a source of revenue to cover the costs of local administration. All this is rather in line with Caroe's views about the ring of defence areas round India. Looking even further ahead, if the world is going to be one of disturbance rather than of peace, I can imagine a future in which an imperial zone, including Baluchistan, Afghanistan, Tibet and Burma, may be the outer bulwarks of India's defence, India only coming in directly with supplementary forces, more particularly with air and sea forces. All this may be pure fantasy, but meanwhile the possibilities of Baluchistan as a military centre may be well worth considering.

9. I enclose a copy of a letter which I have had from the Maharaja of Nepal, together with a copy of my reply.[5] You will see that the Maharaja hints that it is going to be difficult for him to find more Gurkha recruits on any large scale, but I imagine that the main purpose of his letter is to draw attention, now that the end of the war is in sight, to the assistance which Nepal has rendered us in order to stake out in good time his claims to a just reward. What exactly he will want of us remains to be seen, but the Minister who handed me the

[3] Enclosure to No. 64. [4] No. 103. [5] Neither printed.

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Maharaja's letter brought up once again the question of the raising of the Nepalese Legation to an Embassy, and I think we must expect this to be one of their desiderata.

10. As regards Gurkha recruitment, you will no doubt wish to let Auchinleck know what the Maharaja says, but I understand that there is not likely to be any further expansion of Gurkha units and that the intake of Gurkha troops, though still large, is now only for maintenance purposes. I should hope, therefore, that there will be no difficulty on the Maharaja's part in meeting our requirements to this extent. You will no doubt, however, consider whether anything further ought to be said to the Maharaja on this subject.

[Paras. 11 to 13, on appointment of a Scientific Adviser to the Commander-in-Chief; and para. 14, on question of release of Europeans from Indian Army to return to Industry, omitted.]

15. In paragraph 6 of your letter of the 1st November[6] you said you had telegraphed officially to the High Commissioner about the training scheme for higher technical personnel. The High Commissioner when I saw him ten days ago referred to this subject and I offered my good offices over both this and the Bevin Boy scheme. He did not however rise to this, but I shall ask him how these two matters are going when I see him next week.

16. I was very interested to see that the Sind Government has included a local European, Thomas, among its members. I should think he could be reasonably trusted to look after irrigation and agriculture and not to dispose of ex-Cabinet colleagues or of his own wife by the methods which would seem to be in vogue in Sind Ministerial circles! I note too what Dow, or rather Ghulam Husain, says in that connection about the enlargement of the number of Ministers.[7] Looking back on our own history, the British constitution was mainly worked during the eighteenth century by the distributing of posts to place-men of all sorts. That after all may be a better method of corruption than others in Indian conditions, and I am by no means sure that our notions of the size of Ministries hitherto has not been too narrow. I dare say even at the Centre you could add two or three more to your numbers without loss of efficiency and with greater ease in meeting the claims to representation both of communities and of Provinces.

The Lord forbid!

W.

[Para. 17, on Herbert Baker's *Architecture and Personalities*, omitted.]

[6] No. 86.

[7] Possibly Mr Amery was referring to Lord Wavell's summary of Sir G. Hidayatullah's intentions in No. 99, para. 4.

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Mr Churchill to Field Marshal Viscount Wavell (via India Office)

Telegram, L/PO/6/108b: f 356

IMPORTANT *26 November 1944, 6.30 pm*

PERSONAL AND TOP SECRET

932. Following from Prime Minister to Viceroy. Your No. 2155-S.[1] Thank you very much for your message.

2. This gives me the opportunity to acknowledge your most important letter[2] which you may be sure I shall earnestly consider before I reply. These very large problems require to be considered at leisure and best of all in victorious peace.

3. All good wishes for Christmas and the New Year.

[1] About welfare directives; not printed. [2] Enclosure to No. 64.

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Mr Griffin to the Nawab of Bhopal

L/P&S/13/982: f 215

D-o. No. F.6(43)-I.A./44 POLITICAL DEPARTMENT, NEW DELHI, *26 November 1944*

My dear Chancellor,

At the meeting of the Standing Committee held on September 18 His Highness the Pro-Chancellor said that Your Highness proposed to move a Resolution at the forthcoming session of the Chamber of Princes on the subject of Crown's relationship with the States not being transferred without their consent. I have not yet received the text of this proposed Resolution, or of the others, for submission to His Excellency but it is understood that Your Highness still contemplates moving a Resolution on this subject.

2. This was one of the subjects[1] raised by the Princes' Delegation which met His Excellency on September 15 and 16. It has not been possible yet for His Excellency's reply on them to be sent since Your Highness' record of the points did not reach His Excellency until October 15. His Excellency's reply is however almost ready and should reach Your Highness before very long. In fact, His Excellency hopes that it may be in Your Highness' hands before the

[1] Cf. Enclosure to No. 98, para. 8.

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session of the Chamber of Princes begins, but he cannot be certain of this. Even if it is, it will hardly be possible for Your Highness to consider it properly in the short remaining period.

3. His Excellency considers that it would be undesirable at any time to ventilate in public the subject matter of the proposed Resolution with the very delicate issues which arise out of it, and more particularly now when the matter has already come under discussion between the Crown Representative and the Princes and the result of the discussion has not been received or will only just have been received by them. His Excellency hopes accordingly that Your Highness will decide not to move a Resolution on this subject.

Yours sincerely,
L. C. L. GRIFFIN

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 102

IMMEDIATE NEW DELHI, *27 November 1944, 8.35 pm*
Received: 27 November, 8 pm

No. 2177-S. Superintendent series. My 2132-S[1] of November 21st. Political situation. Sapru is having difficulty in establishing his committee. Gwyer has refused and B. N. Rau and Mirza Ismail are very doubtful starters. General feeling (? seems to be) that with Jinnah standing out committee will accomplish nothing, and that move should come from Government.

2. Parties are now trying to find out whether we intend to move and how. During long conversation with Mudie on November 25th Jinnah while not prepared to co-operate with Sapru and obviously doubtful about representative conference said he was still ready to join in Coalition Government at centre on the lines proposed by Cripps. He thought such a government could set about the long term settlement, and act in practice as an "all parties conference".

3. On November 26th G. D. Birla, who was probably sent by Gandhi, discussed various solutions with my Private Secretary. Conversation was much less concrete than that between Mudie and Jinnah, but Birla obviously thought Coalition Government at centre under present constitution by no means impossible. He said he was satisfied that Dominion status should be the aim and not repeat not complete independence. He thought Gandhi was now of the same opinion. He thought Sapru committee useless.

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4. I had a short talk with Mirza Ismail on November 27th. He said time had come for move by Government, but was vague about its nature. In general he stuck to his published plan for representative committee. Bhulabhai Desai the Congress leader of Assembly said something to same effect to me a week or so ago.[2]

5. Conversations of this kind are part of our political routine, and views expressed at them must be treated with reserve. But it is clear that a move by Government is widely expected and hoped for and that attitude of parties may be less difficult than we have supposed.

[1] No. 103. [2] See Enclosure to No. 109.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 353

IMMEDIATE *27 November 1944*

18-U. My official telegram of today's date. Political situation. You will have seen Prime Minister's message to me in your 932[1] of November 26th. Am afraid I read in this some intention to find some excuse to postpone all action for some time. I feel very strongly that psychological moment will be lost if we do not make up our minds at [?once—] certainly within the next few weeks. I propose to say this to H.R.H. [him?] with some emphasis but should first like your views on present atmosphere.

[1] No. 111.

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Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 130–2

SECRET GOVERNOR'S CAMP, *27 November 1944*

D.-O. No. 46-G.C.P.

Dear Lord Wavell,

The 25th November was Nagpur University Convocation day and, as already intimated, the Convocation address was delivered by Dr. Rajagopalachari. I invited him and the Vice-Chancellor to lunch and the conversation I had with the former was of sufficient interest to merit a special report.

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I asked Rajagopalachari bluntly whether, if Government were to declare that it would convoke a constituent assembly on the basis of the provincial legislatures, Gandhi and the Congress would accept this offer and agree to a truce in political controversy. His answer was: "I can get it done"; and he repeated this two or three times. He said that it would be necessary to envisage a reasonably early meeting of a constituent assembly, if agreed to, and when I pointed out that it would be necessary to hold general elections for provincial legislatures first, he replied that he could see no difficulty in this because such elections need not take place all together but could take place in different provinces at different times. He stressed the point that the promise that things would happen after the war continues to produce an unfavourable impression in Nationalist circles. I observed that one of the difficulties about a general election is that it might be accompanied by much political heat and passion which should be avoided while India is going through the stress and strain of the war, but he thought that, if the elections were held in connection with an offer of a constituent assembly, the extent of the political heat and passion could be discounted. In his address, which has been described as an appeal to Congress to return to constitutionalism and not to live in the wilderness, he cited the example of the Presidential election in the U.S.A. which is, of course, a point which had already been seized on by the Nationalist press.

I gathered that what Rajagopalachari would have liked would have been the constitution of a federation as provided for in the Government of India Act, 1935, accompanied at the same time by a constituent assembly to modify that federation according to the will of the Indian people. He explained that there was at present no "sanction", as he put it, to induce the Muslims to be reasonable. What, in fact, he meant was that the Muslims can now say "no" to any offer because there is no pressure on them to escape from a constitution which is wholly distasteful to them. The implication is not favourable to the setting up of the federal constitution envisaged in the Act of 1935 and, on this point, Rajagopalachari was only lamenting the occasions on which, as he frankly admitted, Congress had bungled the situation.

The main point is that Rajagopalachari seemed quite confident that the offer of a constituent assembly on the basis of the provincial legislatures, more or less as envisaged in the Cripps' offer, would meet with a favourable response from Gandhi and the Congress if he were allowed to exercise his powers of persuasion on Gandhi. I asked whether I was at liberty to report this conversation which, as we both agreed, was personal to ourselves, and he stated that he was quite agreeable provided it was understood that his views were expressed privately. He did not controvert the suggestion which I put to him that if the Muslim League were granted Pakistan, there would remain the possibility, even perhaps the probability, that Pakistan and Hindustan would eventually come together.

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In view of Rajagopalachari's close personal ties with Gandhi and his long political association with him and the Congress, I do not think that we can dismiss lightly his assurance that peace can be concluded with Congress on the basis of a constituent assembly as envisaged in the Cripps offer. It is rumoured in Nagpur that his relations with Sevagram are somewhat strained at the moment and his reference to "bullock-cart mentality" in his Convocation address may lend support to this rumour but, whether in or out of Congress, Rajagopalachari must always remain a person of influence in Congress circles because of his ready access to Gandhi who, to my mind, shows an increasing tendency to be influenced by the person with whom he is last in contact. It may be that Rajagopalachari has little or no personal following, but he is certainly capable of influencing Gandhi and it seems to me well worth while to consider whether he might not be used as an intermediary to negotiate a truce on the lines here suggested.

I was impressed by Rajagopalachari's ready acceptance of the formula of a constituent assembly based on provincial legislatures, thus confirming my own opinion and the views of many others—including the views of some Governors at the Governors' Conference—that this constitutes a way out from our political difficulties. I was also impressed by the fact that Rajagopalachari appeared to agree, thus concurring in my own line of thought, that there is no need to face half-way other difficulties which may—almost certainly will—arise after a constituent assembly has been summoned. All such difficulties may well be left to be dealt with as and when they arise. We both considered what would be Jinnah's attitude to a constituent assembly, especially now, when his attitude has stiffened since the Gandhi-Jinnah talks, but Rajagopalachari seemed to think that he would agree to a constituent assembly, provided the provincial delegations were allowed full liberty to concur or withdraw. I put it to him that Jinnah could probably not refuse to join in a constituent assembly without injuring his cause in the eyes of the world; to this rather obvious conclusion Rajagopalachari seemed to assent.

I have written at length on this subject, because I think it may be helpful to you to have an account of a frank conversation of this kind. The address to Convocation was studiously moderate in tone and the very large number of graduates and under-graduates present behaved with exceptional restraint, especially when, as was inevitable, there was a dig at the British, the Muslims and the Princes while the association of "bullock-cart mentality" and Sevagram produced a laugh.

Yours sincerely,

H. J. TWYNAM

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Mr Amery to Field Marshal Viscount Wavell

Telgram, L/PO/6/108b: f 351

IMMEDIATE *28 November 1944*

19–U. Your 18–U.[1] I doubt the advisability at this moment of a direct comeback to P.M.'s message.[2] Let me try first to utilise influence of other Members of the War Cabinet to get the matter referred to the Cabinet India Committee.

[1] No. 114. [2] No. 111.

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Field Marshal Viscount Wavell to Mr Amery

L/P&S/13/981: ff 34–41

SECRET THE VICEROY'S HOUSE, NEW DELHI, *28 November 1944*

No. 681/2

My dear Amery,

I have already acknowledged[1] your letter of 26th October[2] about the small States. There have been some recent developments here which have a bearing on the problem. After I met the deputation of Princes (whose presentation of their problems was modest, almost tame) arrangements were made for a discussion between representatives of the Central Government and representatives of the States about the important question of post-war development. I have read the minutes of this discussion and I understand that a copy is being sent to you by my Political Department.[3] If you see these minutes you will I think agree with me that the discussion has brought out clearly how closely the economic interests of the States are interlocked with those of British India and how impossible it is for the States to expect to maintain in these matters a separate existence from the rest of India. My Government have not yet been able to arrive at any definite conclusions about the controls over industry, which will be necessary in post-war India. A considerable degree of control over the location of factories, investment of national savings etc. will almost certainly be inevitable. The administration of such controls must rest with the Central Government, and the Indian States will have to submit to their economic life being largely ordered and controlled by British Indian authorities, Central or Provincial. It seems to me that this will undermine the present political isolation of the Indian States, whatever guarantees for a separate existence they may enjoy from the British Crown or any other authority. Thus

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it seems to me that time is on our side and that the approach of the Indian Princes to the next proposal for a Federal union with British India is perhaps being determined for them in advance, by economic considerations.

2. It will be well at this stage to recapitulate briefly two of the chief points on which we are in substantial agreement. We have agreed that the difficulties in the way of persuading the Princes *themselves* to work out a practicable solution for the problem of the petty Indian States are insuperable. On the other hand the present position between ourselves and the Princes is thoroughly unsatisfactory. It is hardly any longer a secret that we regard the petty Indian States as an embarrassment. But when the direct question is put to us whether His Majesty's Government will stand on their guarantees to the "Indian Princes" we are compelled to give an affirmative answer which, however cautiously it may be worded, is construed as a fresh guarantee. Many of the Princes themselves, perhaps the majority, are aware of the realities of the situation so that it is difficult to avoid a charge of ill faith. I therefore agree with you that, if there was any plain statement of our intentions about the future of the little States which could be made to the Princes, it should be made now. It was with this feeling in my mind that at the outset of this correspondence I sent you my personal telegram No. 2701-S,[4] dated the 11th of December 1943. The problem is whether we can at this stage define our intentions with sufficient precision.

3. In paragraph 2 of your letter you touch upon the question of the category of States to which the new approach which you contemplate should apply, and you instance Rampur with a revenue of over Rs.50 lakhs as a State which "might, for the present at any rate, be left administratively and politically intact in spite of its isolated position in the middle of the United Provinces". Before dealing with this, I must mention a new suggestion by my Finance Department, which has considerable bearing on a State like Rampur. The suggestion is that an effort should be made now to work out conventions between the Central Government and the Indian States in the economic and fiscal field to remove some of the numerous difficulties and anomalies which lead to misunderstanding and ill-will under existing conditions. The objective would be to persuade the States to enact laws corresponding in all essentials to the laws of the Central Government in the matter of:—

(*a*) excise duties;
(*b*) taxes on income other than agricultural income (including of course super-tax and excess profits tax);
(*c*) any other Central taxation which in the opinion of the Central Government should be on a uniform basis throughout India.

[1] No. 93, para. 6. [2] No. 71. [3] See L/P&S/13/1833. [4] Vol. IV, No. 265.

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The administration of these laws should be entrusted to or at least be subject to the supervision of the Crown Representative, at any rate in those States not equipped with the necessary administrative machinery. Pending the establishment of a Federal constitution, the arrangement would then be that the States should pay to the Central Government the duties and taxes above, subject to their right to receive an equitable share of taxes on income and of central excise duties, on a basis comparable with that applicable to Provinces from time to time. They would then be entitled to financial assistance for post-war development schemes from the Central Government on the same basis as Provinces. Past experience—particularly of the Federal negotiations—however makes it seem highly unlikely that any such arrangement would be accepted by the States. An alternative but less complete solution is that the States should hand over to the Central Government the net proceeds of all excise duties. Each State would then receive from the Central Government a share of the excise duties collected in British India and in the participating States on the basis of the estimated consumption of dutiable articles. This would be an extension on a much wider scale of the existing match excise system which has worked tolerably well and has proved to be the least controversial of the recent problems in this field. Under this plan the Indian States would agree to make reciprocal provision for relief from double assessment of taxes on income and of corporation tax and could then retain the entire proceeds of these taxes themselves. The idea is that these arrangements would be negotiated in the first instance for a period of 10 or 15 years. They would be without prejudice to any financial settlement which might become necessary if any constitutional change of major importance were made before the expiry of that term. The plan is still in the consideration stage, and I mention it now because of its intrinsic interest and also because it emphasizes the complexity of the issues in connection with a number of Indian States of the Rampur class, which have reached their present prosperity because of fiscal privileges which are not only anti-federal but unfair to the Central Government fisc and cannot be allowed to continue indefinitely. The Kathiawar maritime States are an example of another economic problem. My Political Department has recently suggested that after the war is over, we should take over the working of the Kathiawar ports, leaving to the Rulers of the petty States in which these ports are situated an equitable share of the customs receipts. By doing this we would rid ourselves of two evils—dishonest administration at the ports, such as has recently come to light in Jamnagar, and the Viramgam line.[5] One inevitable effect would however be that the essential poverty of these little maritime States in Kathiawar would be exposed with the consequent necessity of re-assessing their survival value under Federal conditions. The immediate point of these examples is that economic and other developments may render a drastic revaluation of a large number of States unavoidable.

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4. And if the line is to be drawn at States which at present have a revenue of about Rs.50 lakhs, the new approach being confined to States whose revenues fall below that figure, then I feel certain that the first reactions of the States near but above that line will be to clamour for a positive assurance that the new approach will never be used with them. Before we do anything we must clearly make up our minds what reply we are to make to a demand of this nature.

5. This brings me to the proposals contained in paragraph 3 of your letter. These are:—

(*a*) real group cooperation;
(*b*) some degree of absorption in a larger State;
(*c*) some degree of absorption in a British Indian Province.

I understand from my Political Department that you have been receiving copies of some interesting correspondence with the Resident for Central India which suggests that group cooperation is unlikely to produce any improvement in the unit administration in very small States,[6] e.g. States with a revenue of less than Rs.1 lakh per annum. With my letter dated the 20th of April in this series I enclosed a statement giving certain statistical information about the States.[7] I have had this statement expanded in the lower levels with the following result:—

[*See table overleaf*]

As you will see out of a total of 582 units at present entitled to the appellation of "Indian State" no less than 475 have an income of less than Rs.5 lakhs per annum. I consider that little improvement in administration is to be secured by either attachment or grouping in States with an income of less than Rs.5 lakhs, which is after all only £40,000 a year. Till we can see our way more clearly about this—and further experience will be necessary before I could give a final view on the point—I would be reluctant to face the Princes with a suggestion that these 475 States could save themselves from extinction by the first of your proposed methods, "real group cooperation". There remain 86 States with an income of more than Rs.5 lakhs a year but less than Rs.50 lakhs. I attach a list of these 86 States. I could not guarantee that any grouping scheme such as you contemplate could be made to work either in the Gujarat States mentioned in this list or in Kathiawar. The same applies to the Central India States. In the Eastern States something on the lines you contemplate might be

[5] The Viramgam line was a land customs frontier line which extended from the Gulf of Cambay round Kathiawar and Cutch to Sind. Its main purpose was to ensure that customs had been properly charged on goods entering the various ports of the Kathiawar States, Baroda and Cutch and that there had been no misvaluation or improper grant of drawbacks and rebates. The line which was expensive and hard on staff was administered from Viramgam. The Editors are indebted to Mr D. Y. Fell for this information.

[6] See L/P&S/13/1186. [7] Vol. IV, enclosure to No. 467.

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	Number of States	Total population in lakhs	Percentage of Col. 2 on total population of Indian States	Total income in lakhs	Percentage of Col. 4 on total revenue of all Indian States	Average population of each State in lakhs	Average income of each State in lakhs
	1	2	3	4	5	6	7
				Rs.			Rs.
States with an annual income of Rs.1 crore and above	13	529	58.2	3262	61.1	40.7	251
States with an annual income over Rs.50 lakhs but less than Rs.1 crore	8	54	5.9	558	10.5	0.7 [?6.7]	69.8
States with an annual income of Rs.30 lakhs but less than Rs.50 lakhs	7	60	6.6	264	4.9	8.5	37.7
States with an annual income of Rs.10 lakhs but less than Rs.30 lakhs	35	114	12.6	603	11.3	3.2	17.2
States with an annual income of Rs.5 lakhs but less than Rs.10 lakhs	44	82	9.0	310	5.8	1.8	7.0
States with an annual income of between Rs.5 lakhs and Rs.1 lakh	101	54	5.9	246	4.6	.53	2.4
States with an annual income of less than Rs.1 lakh	374	16	1.8	93	1.8	.04	.25
Total	582	909		5336			

attempted, but I assume that the essence of your scheme is that it should be country-wide and that it should be announced as our final solution for States of the lower category everywhere. In the Deccan States, in the Punjab and in Rajputana I should be very doubtful. In Rajputana in particular I would hesitate long before I agreed to put your suggestion to Udaipur or even to Dungarpur and Partabgarh. These States have a very long history and the only way in which the problem which they present can in my view be tackled is as part of a comprehensive constitutional settlement applicable to the whole country.

6. I now come to your second proposal "some degree of absorption in a larger State". With this I will consider your third proposal as well "some degree of absorption in a British Indian Province". I have not been able to gather from your letter exactly what is meant by the phrase "some degree of absorption". Until this term has been more accurately defined I do not feel that I can express an opinion. I would expect considerable difficulties however in securing a satisfactory arrangement of the kind which is apparently contemplated

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with a British Indian Province, while loose association between two or more States is open to the objections and disadvantages which you have yourself mentioned in paragraph 7 of your letter.

7. On the whole therefore, while I agree with your view that the sooner we come out into the open with the Princes the better, I doubt very much whether the approach which you suggest is sufficiently definite—or sufficiently adjusted to the conditions among the smaller class of Indian States—to put to the Princes as a solution of the problem of the petty States. I feel too that, in view of the economic considerations which I have mentioned, it is at least arguable that we should let time and events work for us, postponing any definite move until the constitutional position becomes clearer with the end of the war. In the meantime we would of course persist with our present attachment and grouping plans for, whatever their merits and demerits, they do at any rate act as a reminder to the Indian Princes that the problem of the small States is a thoroughly embarrassing one both for themselves and for us.

Yours sincerely,
WAVELL

Name of Agency or Province.	*Names of States.*
Assam	Manipur.
Baluchistan	Kalat.
Baroda, Western India and Gujarat States.	*Gujarat States.* Baria, Chhota Udepur, Rajpipla, Bansda, Cambay, Dharampur, Lunawada, Sant. *Western India States.* Cutch, Dhrangadhra, Porbandar, Rajkot, Limbdi, Palitana, Radhanpur, Wadhwan, Vankaner, Manawadar.
Central India.	Rewa, Rajgarh, Datia, Orchha, Barwani, Dhar, Jaora, Ratlam, Dewas (Sr.), Dewas (Jr.), Narsingarh, Charkhari, Chhatarpur, Panna, Alirajpur.
Eastern States.	Cooch-Behar, Mayurbhanj, Tripura, Patna, Bastar, Kalahandi, Khairagarh, Nandgaon, Raigarh, Surguja, Dhenkanal, Gangpur, Keonjhar.
Gwalior, Rampur and Benares.	Benares.
Deccan States.	Janjira, Sangli, Akalkot, Bhor, Jamkhandi, Phaltan, Sawantwadi.

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Name of Agency or Province.	*Names of States.*
Madras States.	Pudukkottai.
North West Frontier.	Swat.
Punjab States.	Kapurthala, Faridkot, Jind, Khairpur, Mandi, Nabha, Tehri-Garhwal, Chambha, Malerkotla, Jubbal, Sirmur.
Rajputana.	Bharatpur, Kotah, Alwar, Bundi, Dholpur, Idar, Tonk, Udaipur (Mewar), Palanpur, Sirohi, Jhalawar, Karauli, Kishengarh, Banswara, Dungarpur, Partabgarh.
Sikkim.	Sikkim.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&S/13/982: ff 261–2

IMPORTANT INDIA OFFICE, *29 November 1944, 3.40 pm*

CONFIDENTIAL

27133. Your express letter No. D.4116–P/44[1] of November 14th. Deputation of Princes. As I have so far received no record of your replies to Deputation at meetings of September 15th and 16th am assuming that what you said to Princes does not affect terms of draft letter to Chancellor. I concur in draft subject to following suggested amendments:— (*a*) Paragraph 2. Lines 1 to 3[2] Substitute "Princes agree generally that the smaller Indian States, which cannot by themselves". (*b*) Paragraph 2. Line 15. Substitute "doubts" for "is in some doubt". (*c*) Paragraph 2. Line 19. After "three specific suggestions" add "and one additional suggestion". (*d*) Paragraph 4. Line 9. Before "permanent" insert "complete or". Line 10. For "is perhaps dubious" substitute "cannot yet be categorically affirmed". (*e*) Paragraph 4. Last sentence. After "request" delete to the end and substitute "as Y.H. is aware the scope of the India (Attachment of States) Act is specifically restricted to certain States in the W. India and Gujerat Agencies. I am to inform Y.H. that there is no intention of promoting legislation to admit of its application in other Agencies". Proviso to Section 2 (1) has not of course been *amended.*

[1] No. 98. [2] Line numbers have been amended to refer to the lines in the present volume.

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Note by Mr Porter (Secretary to the Governor of Bengal)[1]

R/3/2/54: ff 37–41

Brief notes of discussion on constitutional and political questions during the Regional Governors' Conference from 27th to 29th November, 1944, Their Excellencies Mr Casey, Sir Maurice Hallett, Sir Thomas Rutherford, Sir Hawthorne Lewis and Sir Andrew Clow being present.

Casey's letter to the Viceroy, dated 6th November, 1944, formed the starting point of the discussion.[2] Hallett explained that he was more pessimistic of post-war conditions that this letter appeared to be. He foresaw difficulties of demobilisation and resettlement and thought that schemes of rehabilitation might miscarry. It might also happen that the purchases from overseas of materials required for rehabilitation would be impractical. Anything possible should be done to expedite the formation of a normal government in India.

Casey raised the question of Pakistan. Should the British policy be to influence the situation so that Pakistan should be made possible or impossible? Politicians, including the Ministers in Bengal, were incapable of comprehending the economics of Pakistan. When he had put the question to Ispahani and asked what was the alternative, Ispahani could only say that the Muslims would not stand the idea of being under the domination of the Hindus. If this was so, is it not possible to devise safeguards which would provide what the Muslims want? If such safeguards could be presented reasonably it ought to be possible to put arguments which would convince the Muslims that Pakistan would not be a practical possibility. If such a policy were followed, it would be necessary that arguments should be canvassed extensively and that if this were done, he thought that many intelligent men could be weaned away from the idea.

Hallett, quoting Khaliquzzaman 3 years ago, said that he believed that the Muslim feeling was that there was too much Hindu control at the Centre, but in the provinces Muslim criticism was not so much of Government action as of the Hindu attitude and their ostentatious boosting of the Hindu Raj and such minor details as their encouragement of a Hinduised language. He thought that Muslims expected that north-west Pakistan would be run with British capital and British brains.

Casey referred to the fact that negotiations were now going on in England with the object of getting British capital and intelligent Muslim enterprise to co-operate.

[1] The note was shown to Lord Wavell when he visited Calcutta on 14 December. R/3/2/53: f 36.

[2] Mr Casey had obtained Lord Wavell's permission to discuss Nos. 91 and 96 with the Governors. Casey to Wavell, tel. 276 of 24 November, Wavell to Casey, tel. 2162–S of 25 November; R/3/2/53: ff 42–3.

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He would like a directive that Governors should try to influence Muslims of position and of importance with the object of getting them to accept a loosely jointed federation without too much Central control, though, in his opinion, the tendency inevitably was for Central control to be tightened up later on. He thought that in Bengal some progress could be made along these lines by private conversation if safeguards which could be presented as being reasonably adequate could be devised. He recognised that "jobs" could not be protected.

There was some discussion of the field of Muslim interest in industry and trade, the general conclusion of which was that it was not very large.

Hallett said that in the Punjab Pakistan would mean civil war. Therefore he thought that in that province a loose federation would be welcome if it could be worked out. Sikandar Hyat Khan had suggested something along these lines. It was significant that during the last 3 years Central control had increased.

Lewis thought that it would be dangerous for Governors to take sides. Casey agreed that there was no point in taking sides, but pointed out that politicians had nothing at present to go on and were merely engaged in slanging matches which had increased bitterness.

Clow observed that the Muslim League had completely altered its ground from last year from a demand for predominantly Muslim areas to a claim to economic units in six provinces. They will now come up against the problems of small majorities. His own view was that either Pakistan would prove to be unworkable in a few months or it might endure for a long time—failing a civil war. He referred to the danger of the establishment of vested interests and agreed that something constructive ought to be put forward. Division into Pakistan and Hindustan gets us nowhere, but gives rise to the same old problems. In his view the only solution possible would be that there should be a 50% Muslim representation at the Centre.

Casey questioned whether this was at all possible. Could it be expected that 75% of the population would agree to 50% representation i.e. to one Muslim counting for 3 Hindus? Hallett said that the Hindus might be prepared to take it as a preferable alternative to Pakistan, of which they were becoming alarmed.

Clow, elaborating his view, said that with a solution giving Muslims 50% representation at the Centre it would be necessary for a British Viceroy to remain, although he would be called upon to intervene only if disagreement arose. He would bring in the states, if possible, though it might be advisable to give the larger states, such as Kashmir and Hyderabad, self-determination. Hallett agreed with Clow that 50% Muslim representation at the Centre was the only chance of reaching a settlement. Hallett, Lewis and Clow expected that Hindus might well agree to this because they would be confident that, having the brains, the money and the ability, they would control Government in any case.

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Casey referred to the increasing antagonising of Hindus in Bengal and the increasing conviction in their minds that under the present government "no Hindu need apply". Clow explained that the communal question was a large preoccupation in Assam, particularly as regards immigrants. Excluding Surma Valley, Muslims were 1 to 5 and including Surma Valley, they were 1 to 3 in population in the Province.

Clow thought that one of the things we should start debunking is the Muslim League claim that in demarcating Pakistan, Muslims only should be invited to vote at the plebiscite. He agreed that a policy of silence is bad.

He thought that neither the Congress nor the Muslim League seriously envisaged Britain leaving India. Both counted on being established and maintained on British bayonets. This was because they had no properly developed conception of government which they regarded as a machine and not as an organism.

Hallett thought that the Muslims generally considered the demand for Pakistan still to be mainly a bargaining point and did not realise how far Jinnah had "led them up the garden path". They still think that the demand for Pakistan is merely a forceful indication of the strength of the Muslim opposition to a Hindu raj and that by screaming for Pakistan they can hope to obtain coalition governments in the provinces and 50/50 representation at the Centre.

Rutherford agreed that Pakistan is merely regarded as a bargaining point, the objects being to obtain a guarantee of more jobs and protection against Hindu domination. In Bihar, he said that the Muslim Leaguers think that Jinnah realises that he has overstepped the line. One thing which they fear is Hindu domination involving control of the army and Central support in the provinces for Hindus against the Muslims. Rutherford doubted if Jinnah had much personal support and believed that the Muslims are more concerned about the protection of Muslim minorities. They believe that Jinnah will be prepared to take very much less than he has been asking for. Rutherford thought and Lewis agreed that it was a mistake to have emphasised, in the Cripps proposals and the discussions upon them, the possibility of a Pakistan.

Casey cited the West Australian secession agitation, which ultimately died down upon the exaction of financial concessions amounting to £200,000 or £250,000 a year, as a fact supporting the belief that the demand for Pakistan would really be satisfied by other concessions.

Rutherford was not in favour of Governors conducting propaganda against Pakistan. He would like the Central Government under the direction of H.M.G. to set up a committee, to which all important leaders, including Jinnah, Rajagopalachariar, Nehru etc., would be invited, to devise a constitution. He would see no objection, and neither would Hallett, to releasing detained Congress leaders for the purpose.

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It would be made clear, according to Rutherford, that any leader who declined to participate in the discussions would be ruled out of subsequent negotiations.

Hallett thought that the Punjab Government would probably accept an invitation of this kind.

There was some discussion of Congress personalities like Abdul Kalam Azad and Syed Mahmud. It was generally agreed that Azad's release would make no difference to the political situation at all.

Hallett agreed that the establishment of a committee of this kind would be a good thing.

Rutherford, developing the idea, said that this would be better than support for Sir Tej Bahadur's proposals. Clow thought that it would be a good thing to have some M.Ps sent out from home, but this was opposed by Hallett and Lewis on the ground that it would encourage the Indian delegates to avoid getting down to business and to attempt merely to nobble the M.Ps. It would also bring into prominence the fact that the final decision rests with the U.K. Parliament. Hallett said that he would rather see U.S. or Dominion representatives but there was no justification in his view for this.

There was some discussion as to the possible membership of such a committee as Rutherford had in mind. He tentatively suggested 3 Muslims, 3 Congressmen and a representative of the depressed classes, but not Tej Bahadur Sapru or any representative of the Hindu Mahasabha. He thought the Viceroy might invite them to elect their own chairman.

Hallett thought that such a committee would take things a step further than the proposals in Casey's letter, and said that mere reiteration of pledges and intentions would do no good. What was necessary was to get representatives up against hard facts round a table.

All the Governors agreed with Casey that it is time to make a move, and there was some reference to the prospective development of appointing non-official Advisers in some of the Section 93 provinces.

Casey observed that the Cripps proposal had been turned down because it offered no immediate concessions. Rutherford thought that if such a committee as he had proposed could not get anywhere, nothing will, and Hallett observed that if politicians failed to get together in those conditions, there would be a justification for continuing section 93 rule after the war.

Hallett, Rutherford and Clow all agreed that it would be dangerous if it got out that Governors were conducting propaganda against Pakistan. Lewis thought that any effort, such as Tej Bahadur's, so long as it was India's own effort and it turned to Government to help, is good: Hallett said that Sir Muhammad Usman said that he would assist in such a conference as Sapru had in mind.

Rutherford raised the question whether "sane" Congressmen could be

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divorced from the badmashes, and thought something might be done if this could be effected. Casey thought that in Bengal at least the Hindus had lost confidence in Gandhi and would welcome any concessions offered. He believed that Governors could, if given time, influence the situation appreciably.

There was some inconclusive discussion as to the details which would have to be included in treaty relations with an independent India.

Policy with regard to release of political prisoners.

Rutherford said that the Punjab mail disaster was definitely sabotage.[3] A rail had been neatly removed by persons using the appropriate special implements or suitable substitutes. The policy on which releases were being made in different provinces was briefly discussed. Hallett explained that he was continuing to detain all persons who were connected with terrorism. His view was that it was true to say—"once a terrorist always a terrorist". There was general agreement on the principle of releases. Rutherford mentioned that in some cases he had been embarrassed in respect of R.S.P. prisoners by the fact that the information against them came solely from Bengal C.I.D. reports and there was nothing recorded in the Bihar I.B. against them. It was generally agreed by all the Governors that if the policy in Bengal was less liberal, this was dictated by circumstances and by the extent of terrorist organisations and their past history in that province.

It was agreed that there was no need to correspond regarding the release of security prisoners.

Hallett, Lewis and Clow all were inclined to think, as a result of this discussion, that they might be holding more Congressmen than was necessary.

A. E. PORTER

[3] On 23 November 1944 the Punjab Mail was derailed near Arrah in Bihar causing the death of eight passengers and many injuries.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *29 November 1944*

Many thanks for your letter of 16th November.[1] It is now clear that the Sapru Committee will have difficulty in getting started, and is unlikely to produce a report of any practical value. Gwyer has declined to serve on it because he did

[1] No. 100.

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not want to get mixed up in a communal wrangle. Mirza Ismail has also declined, but may later change his mind. I am not quite sure how B. N. Rau stands, but it is generally said that he will not serve. He is known to be unhappy in Kashmir and may resign his appointment of Prime Minister. But whether he resigns or not, Raisman is anxious to get him for a few months to study his proposals for an Estate Duties Bill and Rau may prefer work of this kind to that offered him by Sapru. I have kept you generally informed by telegram, and now think that His Majesty's Government need not worry themselves much about the Sapru Committee and its prospects.

2. On the other hand, it is evident that the political parties expect, and even hope for, some move by His Majesty's Government. There is always much idle speculation in New Delhi; you are frequently retired with a Peerage and I was recently promoted to the administrative charge of conquered Germany, and was supposed to be most anxious to settle the Indian problem before leaving. Sam Hoare (Templewood) was named as my successor. But idle speculation apart, the mere fact that I saw Bhulabhai Desai, as I mentioned last week, and our reasonably sympathetic attitude to the Sapru Committee have led people to think that something is brewing and they would like to know what. Mudie saw Jinnah with my permission on 24th November, and found him friendly and talkative. Jinnah said the Muslims would never accept the Cripps procedure for settling the new constitution. He was not interested in the Sapru Committee. He showed no special hostility to a Representative Conference sponsored by Government, and said that he was, as in 1940, prepared to take part in a Coalition Government at the Centre, consisting of representatives of the Congress and the Muslim League, the Commander-in-Chief, a Sikh, and a representative of the Scheduled Castes. He did not go into details about the relative strengths of Hindus and Muslims, but made it clear that to him the Mahasabha and the Congress were the same. He was quite prepared to co-operate even if the Congress refused to do so. Given a Coalition Government at the Centre, it could, in his opinion, not only administer the country, but perform the function of an All-Parties Conference. I suspect that Jinnah may have got more out of Mudie than he gave away himself.

On 25th November G. D. Birla had a long talk with Jenkins, who knew him in the Supply Department and sees him from time to time. Birla said that he was satisfied of the need for the British connection and that the aim should be Dominion Status and not complete independence. He thought nothing of the Sapru Committee, and suggested that Government should set up a Representative Committee, perhaps selected by proportionate representation by the Members of the Provincial Legislatures sitting together. Jenkins referred Birla to the Cripps Offer and took him through the various theoretical possibilities. Birla seemed to favour either a Representative Committee with

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the stipulation that controversial communal issues would be referred to arbitrators whose decision would be binding, or some form of "interim Government" rather on the lines suggested by Jinnah to Mudie. On Jenkins' pointing out that compulsory arbitration would mean an imposed constitution, Birla said he thought the "interim Government" preferable, and that Gandhi might agree to it. He complained bitterly of the dishonesty and inefficiency of the present Central Government, but ended the interview with an appeal for a Cawnpore millionaire who has been prosecuted by the United Provinces Government for the illegal hoarding of coal.

I had a talk with Mirza Ismail on 26th November. Like Jinnah and G. D. Birla, he thinks some move should be made from our side, but his ideas are not so definite.

Savarkar, the Mahasabha leader, also asked to see me, and I granted him an interview. I thought him an unpleasant, intolerant little man, full of communal bitterness and with no constructive ideas.

Conversations of this kind are part of the ordinary routine here, especially during the sessions of the Legislature, and these examples are interesting only because they seem to show how the different parties are thinking. You will have had my telegram[2] about them, and I need not add to the recommendation made in it.

3. The Sikhs are puzzled and apprehensive. As you know the Akali Dal, their most active political body, made an alliance with the Congress, and Mangal Singh, the Akali Dal's representative in the Central Assembly, has hitherto accepted the Congress whip. He came to see Jenkins the other day, obviously under instructions from Tara Singh, and said that the Sikhs felt that they might have been backing the wrong horse and would like to establish more friendly relations with the British, not because they love them but because they feel that in any compromise between the Hindus and Muslims they may be left out in the cold. Tara Singh and his supporters seem to realise that a separate Sikh State is not really possible and that transfers of population, about which they talk glibly enough, would be very difficult indeed. The right line for the Sikhs is undoubtedly to act as good Punjabis. If they did this wholeheartedly, they would almost certainly do very well for themselves. No Government in the Punjab can disregard them and they have everything to lose by getting involved in All-India politics.

4. There are no special developments in the Provinces. Ghulam Hussain Hidayatullah's little plot in Sind, which I mentioned in paragraph 3 of my last letter,[3] does not seem to have come off. One of the members of the Provincial Parliamentary Board of the Muslim League whom he hoped to placate by appointing him to the Ministry, gave him away in an unctuous statement

[2] No. 113. [3] No. 109.

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refusing the offer on high moral grounds. Ghulam Hussain Hidayatullah is ingenious and will doubtless extricate himself, though he may have some difficulty. But his son seems unlikely to be elected to the Assembly.

Rutherford has informed me that he would like to increase the number of his Advisers and to appoint some non-officials. I shall await his proposals, but I doubt if this move is sound in Bihar. There is still a good deal of unrest and disorder, and the recent railway accident near Arrah was almost certainly due to sabotage. Also I doubt if non-officials of real weight are available in Bihar to act as Advisers.

5. We have exchanged telegrams about the South African business and Shafa'at's conduct.[4] I wish we had been able to get him back to India before this crisis arose, but as matters stand, I think we must let him alone for the time being at least. Khare still does not want to recall him and it would be difficult to do so without giving the Union Government the impression that we had resumed the offensive. There is less excitement here, now that the Assembly session is over, and if His Majesty's Government permit me to put the question of economic sanctions to Council as I should like to put it, there is quite a good chance of avoiding further extreme action. Some of the more experienced Members of Council such as Mudaliar and Sultan Ahmed will probably be shocked at Shafa'at's conduct, and if, after the main decision is taken, they are in favour of recalling him for consultation, it may be easier to do so.

6. I referred in my last letter to Woodhead's illness. He is better and out of hospital, though I am told he should not have gone back to work quite so soon.

7. I am still waiting for guidance on the problem of War Service Increments and Japanese Campaign Pay.[5] I realise how difficult these matters are at your end, but I hope I shall get a decision before I go on tour on 7th December. Auchinleck is away a good deal and it is not always easy to arrange Council meetings at which we are both present. The problem is one that needs decision at a meeting attended by as many of the Members as possible, including Auchinleck and Raisman.

[Para. 8, on succession to Finance Membership; para. 9, on Sir O. Caroe's Research Group; and para. 10, on a film by Rank on India, omitted.]

11. Munster set off on the morning of 26th November. He left with me a copy of his letter of 25th to you and of his report. I thought both quite good and telegraphed asking you to let me know as soon as I can use them. Munster seemed to me in better form than when he arrived, and on the whole well satisfied with his trip. It is said that in some places there was a good deal of "eye wash", but I think he saw through that. People who are being inspected always put up the best show they can, and within limits this is a very good

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thing. I have had a good deal of experience of window dressing in the Army, and I am told that on the civil side in this country tours by the Viceroy and Governors are welcomed largely because the roads over which they travel are specially repaired. An inspecting officer who knows what he is about can usually get a true impression of the situation, and I do not think you need be worried by reports that Munster was "led up the garden path". In a recent letter to Jenkins, Brown said that they had received such a report at Printing House Square and suppressed it.

12. I am told that Runganadhan would like to pay an official visit to India early next year and to combine it with a couple of months leave. As the information came to me privately I am taking no action on it, but am very ready to agree if Runganadhan writes to Azizul Haque. It is a mistake for the High Commissioner in London to be away from India too long, and Runganadhan probably needs a short rest.

13. I have had your telegram of 25th November[6] about the preparation of India as a base, and am dealing with it in consultation with Auchinleck. I hope to let you have a reply about 6th December when Auchinleck will be back from his present tour and the other Members of Council concerned will be in a position to give their opinions.

14. I am still very busy with preparations for the meeting of the Chamber of Princes and for my own tour next month.

PS.—Since this letter was drafted, I have had your private and secret letter of 23rd November,[7] which I will answer more fully next week. I have written separately to thank you for your magnificent present of Herbert Baker's book *Architecture and Personalities*.

By the same bag Runganadhan sent Jenkins a copy of a letter to Azizul Haque suggesting a visit to India early in February, combined with a spell of leave. His absence from London would be for three or four months. I am asking Azizul Haque and am sure he will agree.

I do not quite see that Attlee's reply to the Parliamentary question about Neutral Countries and Peace Conferences, of which you sent me a copy with another letter of 23rd November,[8] gets us much further on the question of

[4] See No. 109, para. 4 and notes. In tel. 929 of 25 November Mr Amery informed Lord Wavell that he would seek Mr Churchill's approval for the suggestion made in tel. 2145-S (see No. 110, para. 1), and reiterated his view that Sir Shafa'at Ahmad Khan should be withdrawn particularly in view of efforts being made by Field Marshal Smuts to ease the situation. Lord Wavell explained in tel. 2172-S of 26 November that the danger of recalling Sir Shafa'at even for consultations was that, the legislature having demanded his recall, it would be interpreted in India as a resumption of the offensive by India and lead to renewal of excitement and speculation. L/P&J/8/301: ff 193, 192.

[5] See No. 100, para. 2. [6] L/E/8/2712. [7] No. 110.

[8] This referred to No. 74 and drew Lord Wavell's attention to the following question and answer in the House of Commons on 17 October 1944: '*Mr Hewlett* asked the Prime Minister whether

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India's representation. No one doubts the belligerency of India, and from that point of view our claim is not likely to be disputed.

The bags are travelling much better now from your end, and often arrive within seven days.

countries which have adopted a neutral attitude in the war will be represented at the peace conference. *Mr Attlee:* The only countries which can be represented as of right at a Peace Conference are those which have participated in the war as belligerents.' L/P&S/12/4564: ff 3–4; *Parl. Debs.*, 5th ser., H. of C., vol. 403, col. 2195.

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Minutes by Mr Gibson, Mr Patrick and Sir D. Monteath

L/P&J/8/520: ff 92–4

29–30 November 1944

U.S.S.

Mr Casey on the All-India political problem.[1]

The Viceroy describes this letter of Mr Casey's as "interesting",[2] and it is so not in that it adds anything very fresh in the way of comment or suggestion on so much discussed a subject, but in its confirmation, from a rather independent observer, of much of the Viceroy's presentation of the problem—the dominant feeling of "frustration" in India, the danger of increasing Hindu-Moslem discord, the need for some early action to safeguard our future position. His suggestion is the ineffectual one of a republication of the Cripps Offer with a covering statement by the Prime Minister, and for subsequent action he favours (as the Viceroy had already informed us) the announcement of a "time-table". He remarks on our present limited degree of control over affairs in India—and the Viceroy approves the remark with the surely unfair comment that the position is not at all appreciated at home.

J.P.G., 29.11.

Mr Casey seems disposed to placate the Muslims by accepting Pakistan. There I think he is right. The Cripps offer *has* accepted Pakistan. We should get the credit. Though we do not believe that a divided India is practically possible we shall not convince Indians who do. So long as they believe we oppose it they will be the more disposed to work for it. But once they have it in the bag they may well be willing to drop it.

P.J.P., 29.xi.

I think Mr Patrick is right in saying that in the Cripps offer H.M.G. has "accepted Pakistan": and if there is any credit to be gained in any quarter that

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would outweigh the discredit to be gained in another, by re-stating the acceptance, by all means re-state it.

But that is only dialectics. Who is going to translate Pakistan (which is only a word, of dubious authenticity, designed to indicate an ideological conception) into the practical form in which it can be given an administrative run for its money? Not H.M.G.—if it has any intellectual conscience; for H.M.G. knows that that "snark is a boojum".[3] Then it must be for Indians to do: but the Gandhi-Jinnah talks offer little prospect of their reaching agreement on the essential preliminaries for giving Pakistan concrete shape (and one suspects that the Moslems would when it came to the point funk a challenge which if accepted might well show them to have been devoid of practical political sense and to have been chasing a snark all the time).

There seems little hope, therefore, of any real progress resulting from a re-statement by H.M.G. of its acceptance "in principle" of Pakistan and leaving it at that. (Of course, if H.M.G. were to go further and enforce Pakistan there would be developments—but hardly of a character that one would gladly contemplate.)

The Viceroy's plan, much though there is to dislike and fear in it, seems preferable in that if Muslim and Hindu talkers worked together in the Central Govt. and learned by hard experience that the Muslim community is essential to the Hindu and vice versa, Pakistan might quietly disappear into the limbo of forgotten things.

The Viceroy firmly damns Mr Casey's suggestion of a time schedule. The reason he gives is not exhaustive, for the idea might be applied not only as Mr Casey seems to suggest, to all the parties concerned H.M.G. included, in which case no doubt the Viceroy's forecast that the baby would be handed back to H.M.G. with threats and in disturbance, would be fulfilled. It might be applied to the Muslim leaders alone as a challenge to produce a workable Pakistan by a given date: but it is a pretty safe prophecy that that would at any rate produce violent communal strife; and, *pace* American opinion, that is not a tactic that H.M.G. uses, but is a development that it seeks to avoid.

D.T.M., 30.xi.44.

[1] See No. 91. [2] See No. 96.

[3] See final line in Lewis Carroll, *The Hunting of the Snark* (London, Macmillan & Co., 1876) in which both the snark and the boojum were imaginative non-characters.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

INDIA OFFICE, *30 November 1944*
Received: 8 December 1944

Winston was not prepared for so material an alteration in the telegram about South Africa to decide on it without reference to the Cabinet.[1] But this morning, in a happy birthday mood, helped I hope by an article in the *Daily Mail* which I enclose,[2] he was most agreeable and I can only hope that the amended version with its more sympathetic preamble will serve your purpose.

2. On the constitutional issue I have telegraphed[3] to you deprecating an immediate come-back to Winston in answer to his telegram. My feeling is that he would only put it aside impatiently. What I have thought best at this moment is to speak seriously to Attlee and point out to him that from the point of view of his party it would never do that serious representations on your part, including definite proposals for action, should not even have been considered by the Cabinet India Committee. Once the matter comes to the India Committee it obviously will in a very few weeks have to mature in the shape of a definite recommendation, one way or the other, to the War Cabinet, and have at any rate a reasonable chance of acceptance.

3. It certainly doesn't look as if Sapru's initiative would lead to anything very much. Unless an effective initiative can come from the States—and Mirza Ismail doesn't seem to have caught on very much either—it does come back to us, whether we try from the angle of an interim government or from that of some small conference conducting a preliminary enquiry into the constitutional problem. I still confess that my leaning is towards the latter, mainly, as I said in my last letter, because I can see no ray of light on the horizon until Indians themselves begin to abandon the conception of an Executive responsible in the British sense to the legislature. I would even prefer an American constitution with an all-India President elected by universal suffrage, but independent during his tenure of office and so capable of some measure of impartiality, to a Congress Party Cabinet. I fully realise how difficult it is to get out of the existing rut, with big finance and the press in Congress hands. But unless we get out of the rut the existing antagonisms only dig themselves in more deeply and the rut gets worse. I think the metaphor there has got a bit mixed, but no matter.

Does he really think a small conference will change the whole outlook on the Constitution in a short time?

W

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4. I was much interested in that part of the fourteenth paragraph of your letter of the 8th November[4] which speaks about the possibility of agricultural experts from this country giving place to those from the United States. Your Department of Education, Health and Lands sent me a telegram on the 31st October along these lines which seemed to me on investigation of the facts to be somewhat precipitate in abandoning the hope of expert assistance from this country. I have had a letter written, copy of which I enclose,[5] to the Ministry of Agriculture here, and I hope that this will bear fruit. Part of the difficulty has been that the High Commissioner could not offer sufficient pay and I think it has to be recognised that experts cost money and cannot be got for pre-war rates. Whether you will find that short-term assistance from America is any less expensive than that of experts from this country I cannot say. I doubt it.

It was not a question of expense but of availability. We never expected to get them cheaper from U.S.A.

W.

5. In amplification of my telegram of the 22nd November (No. 26541)[6] about Shah's posting, I enclose a copy of the correspondence exchanged with Richard Law on the subject.[7] I am not disposed to accept his view that in present circumstances no Indian official can be trusted to have access to Foreign Office cyphers, but as we had gained our point over the Foreign Office print I felt that half a loaf is better than no bread and as the cypher question does not arise at Kabul I thought that you would probably wish to proceed with the arrangements for posting Shah there. I propose to await any further comments you may wish to offer on the general question of cypher facilities before writing further to the Foreign Office.

[Para. 6, on passages to India, omitted.]

7. Your boy was lunching with us yesterday, looking very fit and very much interested in all the varied new gadgets he is going to have ready for fitting to his hand.

[1] The War Cabinet, at their meeting of 30 November 1944, approved the suggestion made in tel. 2145-S: see No. 110, para. 1. L/P&J/8/301: f 181.
[2] Not printed. [3] No. 116. [4] No. 93. [5, 6, and 7] Not printed.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 350

SECRET *1 December 1944*

19–U. Your 19–U[1] of 28th November. Sapru Committee going to fail and need not (?detain) us. I am quite sure that present time is most favourable opportunity we have had for some years to make progress with Indian problem, but that it must be taken at once. Unless you can tell me that my recommendations are receiving urgent and serious attention I propose to ask permission to fly home and state case personally.

[1] No. 116.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: f 348

IMMEDIATE INDIA OFFICE, *2 December 1944, 3.30 pm*

22–U. Your 19–U. I have spoken to Attlee urging him to press P.M. to realise necessity of putting your proposals to Cabinet Committee. I still advise waiting a few days before making your suggested request.

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Mr Amery to Mr Attlee

L/PO/6/108b: f 349

INDIA OFFICE, *2 December 1944*

My dear Clem,

A propos of what I said to you the other day about Wavell's very serious apprehension that we may lose a favourable moment for dealing with the Indian situation unless we definitely come to some conclusion quickly as to what line he is to take, he has now followed up the personal telegram I received last Wednesday[1] by yet another one[2] saying that he is quite sure that the present time is the most favourable opportunity we have had for some years for

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making progress with the Indian problem, but that it must be taken at once. He adds that unless he can be assured that his recommendations are receiving urgent and serious attention he proposes to ask permission to fly home and state his case personally.

It seems to me obvious that, whatever decision we may take, we cannot possibly put ourselves in the position to have it come out in the future that we refused even to consider his proposals or to allow him to come home to state them. Representations from myself to Winston will have little effect, but you, as leader of one half of the Coalition, can make it clear to him that you cannot afford to be put in the position of having acquiesced in the postponement of a matter on which the Viceroy evidently feels so deeply.

Yours ever,
L. S. AMERY

[1] No. 114. [2] No. 123.

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Mr Gandhi to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, October 1943–December 1944, p. 437

SEVAGRAM, WARDHA, C.P., *3 December 1944*

Dear Friend,

This is with reference to your letter of 2nd November last.[1]

My letter of 17th July[2] to Mr Churchill was, in my estimation, of a sacred character, not meant for the public eye. I now contemplate an occasion or two when it might need publication without losing the sacred character. Even so I do not wish to publish it without the Prime Minister's permission. May I have it, in case I need to publish it?

I should tell you that I have shown the contents to a few friends.

I am,
Yours sincerely,
M. K. GANDHI

[1] See No. 84, note 3. [2] Enclosure 5 to No. 20.

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The Nawab of Bhopal to Field Marshal Viscount Wavell

L/P&S/13/982: f 214

OFFICE OF HIS HIGHNESS THE CHANCELLOR,
CHAMBER OF PRINCES, NEW DELHI,
3 December 1944

Your Excellency,
I have the honour to forward herewith a letter from the Chancellor, Pro-Chancellor and all the members of the Standing Committee of the Chamber of Princes present in Delhi tendering their resignation from their respective offices.[1]

2. They are greatly perturbed at the views expressed in the two letters addressed to the Chancellor by the Secretary to the Crown Department dated respectively the 26th of November[2] and the 2nd of December, 1944,[3] which in their opinion gravely affect the entire relationship of the Crown with the Princes and the vital interests of the States. As members of the Standing Committee a special responsibility is placed on them to safeguard the interests of the States generally, and they feel that in view of the contents of the two communications alluded to above, they are no longer in a position to discharge that responsibility to serve their Order and the Crown. In the circumstances they have most reluctantly decided to tender their resignation.

3. I am desired to assure Your Excellency that this step will not in the slightest degree affect their determination to continue doing their utmost for the successful prosecution of the war in every manner possible.

Yours sincerely,
HAMIDULLAH

[1] Besides the names of the Chancellor and Pro-Chancellor, the letter of resignation bears the names of the rulers of Indore, Gwalior, Patiala, Rampur, Bikaner, Jaipur, Kotah, Dholpur, Dungarpur, Dewas (Senior Branch), Faridkot, Kurwai, Bilaspur, Tehri-Garhwal, Vadia, Maihar, Korea, Seraikela and Akalkot. In letters of 6 and 24 December 1944 and 29 January 1945, Mr Griffin, Secretary to the Crown Representative, was informed of the resignations from the Standing Committee of the rulers of Bahawalpur, Sachin, Rewa, Porbander, Mayurbhanj, Khilchipur and Cutch. L/P&S/13/982: ff 214–15, 217, 163–4, 128.

[2] No. 112. [3] Enclosure to No. 98 as amended by No. 118.

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Field Marshal Viscount Wavell to Mr Amery

L/P&J/7/6787: ff 101–2

No. 1005 THE VICEROY'S HOUSE, NEW DELHI, *3 December 1944*

My dear Amery,

I have now received advice on your letter of 28th September 1944[1] about the future of the backward tribes and on the notes by Hubback and Fitze you sent with it. The removal of these tribes from the jurisdiction of the Provincial Governments and their transfer to the control of an outside authority—a British High Commissioner, the Crown Representative, or an international body—seem to me quite impracticable. Your letter shows that you are well aware of the difficulties, and I need not state them at length. Wylie, who, as a former Governor of the Central Provinces, has a good knowledge of the problem, points out that "the existence of 'excluded' and 'partially excluded' areas under the present constitution is to a Congressman like a red rag to a bull", and that it is argued that if India is fit to govern herself, she must *a fortiori* be able to look after her aboriginals. It would be most unwise for us to assume or to suggest now that we intend to take a line with the backward tribes which educated Indians would view with the gravest suspicion. On the other hand, the constitution-making body might agree to give the Central Government of the future some powers of supervision. There might be administrative objections to complete centralization, but it would be possible to arrange that, while the Provincial Governments retained their administrative responsibility, the Central Government gave special grants, undertook inspections, and received periodical reports. I doubt if we can carry the discussion any further at present. I am told that one of the recent proposals for constitutional amendment put forward by Curtin's Government in Australia was that the Commonwealth Government should deal with the Australian aboriginals.

2. I agree with you that we can do little in the States. Wylie thinks that the backward tribes are probably better off in the States than in the British Indian Provinces, as the more primitive conditions of the States are congenial to them.

3. I am advised that it would be unwise at present to attempt publicity about the backward tribes. Indian newspapers tend to concentrate on the major political issues and would have little time for this comparatively small subject. If they did take it up, they would, I fear, be more likely to deal with it on communal lines than to regard it as a national problem. Verrier Elwin and the Catholic missionaries in the Mandla district of the Central Provinces have

[1] No. 25.

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recently had an unedifying dispute, and it is very easy to arouse suspicion both between the various communities and against the British.

4. I enclose a copy of a letter from Elwin to Wylie,[2] which shows that the view of the anthropologists is sometimes misunderstood, and suggests that the Central Government might appoint an adviser on the backward tribes. This is an interesting suggestion, and I am having it examined further. I should of course have to consult Provincial Governments before making any appointment.

Yours,
WAVELL

[2] L/P&J/7/6787: ff 103–5.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: f 347

IMMEDIATE INDIA OFFICE, *4 December 1944*
SECRET

23–U. Prime Minister has referred your proposals to Cabinet Committee which meets in next day or two.

130

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/25

IMMEDIATE NEW DELHI, *4 December 1944, 8.35 pm*
SECRET *Received: 4 December, 6 pm*

No. 2215–S. Your telegram No. 27133,[1] dated 29th November. Deputation of Princes.

2. Draft[2] with amendments suggested by you was issued to Chancellor on eve of Chamber session. It was taken into consideration immediately by Standing Committee who profess to find it so unsatisfactory that Chancellor, Pro-Chancellor and all 19 members present have resigned.

3. There has not been time yet to ascertain what exactly is behind this move which I regard as very unwise step. I have however postponed session which was due to be held on 5th-6th December and have replied to Chancellor that

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I have noted action taken by signatories of enclosure to his letter[3] and that I am grateful for assurance contained in latter document that step which he and his colleagues have chosen to take will not affect Princes' determination to continue doing their utmost to help with prosecution of war.

[1] No. 118. [2] Enclosure to No. 98. [3] No. 127.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/25

IMMEDIATE *4 December 1944*
SECRET

No. 2217-S. My official telegram of today. Resignation of Chancellor, Pro-Chancellor, and Members present in Delhi of Standing Committee of Chamber of Princes.

2. Following is more detailed story. Meeting of Chamber was fixed for 5th and 6th December. In November I was informed that Chancellor would press for inclusion in Order Paper of resolution against transfer of States from relations with Crown Representative without their consent. I wrote to him on 26th November[1] saying I would prefer this matter not to be raised in public at present and hoped he would decide to drop it.

3. On 2nd December Chancellor saw my Private Secretary and said he would have difficulty with Standing Committee and might have to see me. He was concerned only about resolution referred to above, and gave no indication of any impending crisis. Later in the day he asked for an interview on following morning.

4. I saw him at 10-30 a.m. on 3rd December. He had then received reply (as amended by you) to points raised by September deputation which he said was most disappointing. On the original question of the Resolution I said I was still against its inclusion, as I did not think it would do the Princes any good to have the matter of their treaty rights discussed in public but would agree to it if the Standing Committee insisted. The Chancellor said he was meeting the Standing Committee immediately and might wish to consult me again.

5. He returned at 2-30 p.m. and told me that Members of Standing Committee present in Delhi had decided to resign because reply to points raised by deputation was unsatisfactory. He stressed particularly their disappointment at

[1] No. 112.

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our decision about Courts of Arbitration. He did not suggest that he and Pro-Chancellor intended to resign their offices. I said I sympathized with him in his difficulties and would await formal resignations. Intention was clearly to apply pressure, and Chancellor probably expected me to ask Standing Committee to see me which I did not think it proper to do.

6. Later on evening of 3rd December I received letter from Chancellor forwarding document signed by himself, Pro-Chancellor and the nineteen members of Standing Committee present in Delhi resigning both offices and Membership of Standing Committee. Members were Holkar, Gwalior, Patiala, Rampur, Jaipur, Kotah, Bikaner, Dholpur, Dungarpur, Dewas (Senior), Faridkot, Tehri-Garhwal, Kurwai, Bilaspur, Vadia, Maihar, Korea, Akalkot, Seraikela.

7. Constitutional position is as follows. There is no question of my accepting resignations as appointments are not made by me. I can only note that Chancellor and Pro-Chancellor have resigned their offices and that Standing Committee has ceased to function though some who have signed the resignation paper still continue by the constitution to be members. Meeting of Chamber is impossible without Chancellor to conduct business, and there must be quorum of thirty.

8. I cannot understand what is behind this move. Reply to deputation's points contained nothing new. Wylie saw Chancellor this morning on my instructions. Chancellor agreed that meeting of Chamber must be postponed and that we might not get quorum. Questioned by Wylie Chancellor said Princes had been driven to desperation and thought that our comments on Courts of Arbitration and Treaty position meant that His Majesty's Government had decided to "throw them to the wolves". He said they had acted against his advice. He also agreed that they had no grounds for their excitement.

9. Nationalist Press and enemy propaganda will obviously exploit the situation. Princes may refuse to serve on National Defence Council, and make difficulties with their Residents. On the other hand their position both on Courts of Arbitration and on Treaty rights is weak, and larger States may welcome temporary eclipse of Chamber. Press is being informed that Chamber meeting is postponed. In guidance we shall disclose further facts but not more than we must. Our line will depend on extent of leakage from Princes.

10. I will keep you informed of developments. Chancellor has behaved badly. He must have known what was in the wind but gave me no warning of intention of Standing Committee to cause this crisis on eve of session when Princes were actually assembled. Six of them including Chancellor are staying in Viceroy's House and we have large party tomorrow which all Princes were attending. It will be interesting to see developments.

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Field Marshal Viscount Wavell to the Nawab of Bhopal

L/P&S/13/982: f 215

4 December 1944

I thank Your Highness for your letter of 3rd December[1] and have noted the step which you and your colleagues of the Standing Committee present in New Delhi have decided to take. I will make no comment now on this step, whatever I may think of its wisdom or otherwise and of the precipitate manner in which it was taken.

I was very glad to receive your assurance that it does not affect the determination of the signatories of the enclosure to your letter to continue to do their utmost to help in the successful prosecution of the war.

WAVELL

[1] No. 127.

133

Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/520: f 86

IMMEDIATE INDIA OFFICE, *5 December 1944, 5.40 pm*

27646. Superintendent Series. Political situation. Your telegram 21st November 2132–S[1] and 27th November 2177–S.[2] According to Reuter and *Times* Delhi Correspondent, Sapru has succeeded in collecting 22 persons for his "Conciliation Committee" who, though names are not given, seem from their description to be men of standing and repute. Cabinet Sub-Committee are beginning to study intensively requirements of situation and I should be glad of your views as soon as you can formulate them of prospects of success of Sapru's effort and whether at the moment position is still correctly represented by paragraphs 4 and 5 of your 2132–S.

[1] No. 103. [2] No. 113.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
5 December 1944

I acknowledged your letter of 23rd November[1] in the postscript to mine of 29th,[2] and promised you a more detailed reply this week. I am most grateful to you for getting the South African telegram modified. Khare was pleased with it, and although I cannot be sure how things will go, I hope for a sensible decision in Council. The terms of His Majesty's Government's telegram are now such that my Indian colleagues will be able, without loss of face, to stress the war effort and the common interests of the United Nations, in deciding, as I trust they will, that further counter-measures will be held in abeyance. This will mean a bad time for them during the Budget session (unless something unexpected happens in South Africa), but that does not begin until 8th February. I agree that we need not hurry our Council decision now. I have told Khare to bring the case up on my return from tour, and it will probably be taken at the routine meeting on 20th December. I have also told him that Council should see the telegrams dealing with Shafa'at's indiscretion. If it were not for Shafa'at, I should be quite confident that delay is all to the good. But he is still being very tiresome, and though his recent telegrams have not been quite so bad, I am never quite certain what he may do. I have given you my reasons for not insisting on his immediate recall.

2. Your telegram[3] saying that Winston has agreed to my political proposals going to the Cabinet Committee has just come in. I am glad we are making some progress. There is much in what you say in paragraph 4 of your letter, but I doubt if an immediate discussion of the form of democratic government most suited to India will help us much. I do not agree with the criticism in your paragraph 5. The Executive Council I propose would not involve majority rule or anything like it. I agree, of course, that the difficulties of any solution are very great.

[Para. 3, on a proposed directive from Churchill to U.K. govt. departments emphasising the importance of providing India with her requirements and on the appointment of a Scientific Adviser to the Commander-in-Chief; and para. 4, on the early return of men from services for reconstruction purposes, omitted.]

5. The sensation of the week has been the Princes' "crisis", which I reported fully to you by telegram on 4th December.[4] I enclose cuttings[5] from the

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Statesman and *Hindustan Times* of 5th December, which show how much information the journalists have been able to collect. In spite of Bhopal's protestations that the Standing Committee acted against his advice, I think it likely that he took a leading part, and I still do not know why he decided to spring his mine at a moment when world-wide publicity was unavoidable. Several of the Princes are of course disgruntled about small personal grievances. Jaipur has been taken to task about his "Royal salute"; there has been the export control affair with the Jam Saheb; Holkar thinks we should have recognized his American wife; and so on. The newspaper reports cover almost the whole field of the September deputation's discussion with me, and the Princes are possibly uneasy about many things besides Treaty rights and Courts of Arbitration. But post-war planning and other economic matters were being discussed quite amicably between representatives of the States and Departments here, and there was no sign of any acute anxiety on these matters among the Princes. As I said in my private telegram, I have six of the Princes, including Bhopal, staying in Viceroy's House. Bhopal told me after dinner on 4th December that he was very sorry for what had happened and wanted to have a talk with me. I am making it quite clear to him that although I feel no personal resentment, he and his colleagues have treated me, and through me His Majesty, with discourtesy, and that as they have themselves put out of action the machinery for joint discussion between the States and the Crown Representative, I do not intend to deal with any *ad hoc* Committee constituted by the Princes to negotiate with me. Until the regular machinery is re-established I shall have to deal with Their Highnesses individually. You will notice that both newspaper reports mention a "Council of Action", which is presumably intended as a substitute for the Standing Committee of the Chamber. I will keep you informed of developments. I doubt if the Princes realise how weak their position is on the Treaty issue, and how unwise they are to ventilate it publicly. The nationalist press will of course be pleased at the disagreement between them and the Crown Representative, and will make the most of it. But no Indian nationalist approves the Princely position about the Treaties, and the usual criticism is that we are being dishonestly scrupulous about them. They say that we know that the smaller States are an anachronism, but a convenient one from our point of view, and that we have therefore always taken shelter behind obligations which have no place in modern India.

[Para. 6, reporting that Mr Gandhi was taking a complete rest from 4 to 31 December, omitted.]

7. Sapru is gradually assembling a somewhat decrepit committee. I enclose another cutting from the *Statesman* of 4th December, which includes a

[1] No. 110. [2] No. 120. [3] No. 129. [4] Nos. 130 and 131. [5] Not printed.

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characteristic statement[6] by the Standing Committee of the Non-Party Conference, and Sapru's list of the acceptances he has so far received, with his own explanation of the position. Of the 22 persons in the list, many are old. Some (Sapru himself, Jayakar, the Metropolitan, and Radhakrishnan) might be described as eminent; but others (e.g., P. R. Das and Wazir Hasan) have, I believe, no great reputation for integrity; and others again (e.g., Jagdish Prasad, Mody, Srinivasan, Tushar Kanti Ghosh, and Rallia Ram) can hardly be regarded as unprejudiced. This is a very poor committee and I doubt if it will produce a report of any value. I gather it is Sapru's intention to ask Party Leaders to submit memoranda which the Committee will consider at a series of fairly short meetings, and that there is no intention of giving the members too strenuous a time.

8. Twynam is, as you know, very keen on general elections and an attempt to form a Constituent Assembly. On 25th November Rajagopalachari was at Nagpur to deliver the convocation address at the University, of which Twynam is Chancellor. They had a talk at which Twynam outlined his views, and Rajagopalachari seemed to agree that his plan was feasible. Twynam thought the conversation important enough to give me a fairly full account of it.[7] I am not surprised that Rajagopalachari agreed, as a Constituent Assembly on the Cripps model, if one could ever be set up, would be very much to his liking. Jinnah told Mudie during their recent talk that the Muslim League would not accept anything of the kind, as the method of election to the Constituent Assembly outlined in the Cripps' Offer would be most unsatisfactory to the Muslims. I have told Twynam that I disagree with his general election idea. If we hold general elections in the present state of racial and communal feeling, we might have serious disturbances and there would be even less hope of a political solution than there is now.

9. Ghulam Hussain Hidayatullah is reported to have secured Jinnah's support in his dispute with the Provincial Muslim League in Sind. He has been up against a faction in the League led by one G. M. Syed, and he and Syed have been in Delhi during the last day or two stating their cases to Jinnah. I do not know if the report about Jinnah's attitude is correct. But I doubt if he can afford to break with Ghulam Hussain Hidayatullah who is the most reputable of the Sind politicians, and probably the only person in Sind capable of holding a Cabinet together.

10. Thank you for your telegrams[8] about War Service Increments and Japanese Campaign Pay. I have passed on your message to Auchinleck in a rather different form, and will of course discuss the whole business with him before it is taken in Council again. I may be able to get a reply to your private telegram off from tour, but there can be no discussion in Council until I get back on 16th December.

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11. I am sorry you have had so much trouble about your proposed announcement on food in the House of Commons.[9] The Food Department are of course as anxious as ever for a long term assurance, but they are equally anxious that you should not include in your statement material which could, and certainly would, be used against them here. Some weeks ago Purshottamdas Thakurdas stated publicly that the high British authorities in India concerned with food were completely subservient to His Majesty's Government, and had made no real attempt to secure imports on the required scale. He said it was quite natural that the British in India should think more of their home country and its troubles than of their responsibilities here. If you had circulated the revised statement you proposed to substitute for French's draft, Purshottamdas and others would have analysed it sentence by sentence and made Srivastava's life a burden to him. I hope to telegraph almost immediately about the draft of your oral statement. The Food Department do not much like it, but I consider it much better than nothing. We all appreciate your difficulties, but some of your colleagues seem most unreasonable.

[Para. 12, on a conversation between Mr A. S. Foskett and Sir E. Jenkins on Bengal food administration, omitted.]

13. The Princes having made me abandon the session of the Chamber, I have two relatively free days before going on tour. I am glad of them, as I

[6] The statement of the Standing Committee of the Non-Party Conference issued at Allahabad on 3 December 1944 and reported in the *Statesman* of 4 December urged the restoration of constitutional government in Section 93 Provinces and appealed to members of the suspended legislatures to resume responsibility. The Standing Committee believed it was possible, even under the existing constitution, to alter the character of the central executive to approximate to a national government. It called for the release of members of the Congress Working Committee to help restore good feeling in the country. For the names of members of Sir T. B. Sapru's conciliation committee, see No. 135.

[7] No. 115.

[8] In tel. 27218 of 30 November 1944, the Secretary of State suggested to the G. of I. War Department that an announcement of the grant to the Indian Army of the War Service Increment, which did not present the same difficulties as Japanese Campaign Pay, should not be held up pending the settlement of the question of apportionment of the cost between the British and Indian Governments. The War Department agreed in tel. 10641 of 7 December 1944.

In tel. 948 of 30 November 1944 Mr Amery informed Lord Wavell that the compromise on J.C.P. proposed by the latter in tel. 2100-S of 14 November 1944 (see No. 100, note 1) had been rejected by Sir J. Anderson, and made further suggestions for the solution of the problem. L/Mil/6/ File 1255 of 1947.

[9] In tel. 2203-S of 1 December to Mr Amery, Lord Wavell complained that changes made by the Committee on Indian Foodgrain Requirements to the draft announcement in Sir H. French's report (see No. 23, note 2) weakened the statements made on India's progress in food production and control; obscured the need for further imports; and was possibly unsatisfactory on the question of H.M.G.'s determination to see India through. In the circumstances, the Food Dept. would prefer Mr Amery to make no announcement or to confine himself to a factual statement of imports made or proposed to be made. In tel. 2247-S of 6 December to Mr Amery, Lord Wavell stated that the Food Dept. had never suggested a long term assurance was not wanted and it now agreed the further modified statement was 'much better than nothing and worth making'. L/E/8/3325: ff 144, 129.

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have a speech or two to finish off and the tour will be a strenuous one. I am going to have a talk with Jinnah who is in Delhi and who has let me know indirectly through Azizul Haque that he would like to be asked to see me.

PS.—I see our Scientists have complained of the lack of Indian news and comment on India in the British Press. They will find news and comment enough in the United States of a kind damaging to us. The remedy is for the leading newspapers at home to post really good correspondents to India. Holburn is a great loss; I hope he is coming back, or someone like him. You might have a word with Barrington-Ward about this if you get an opportunity.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 73

IMMEDIATE NEW DELHI, *6 December 1944, 11.55 pm*
SECRET *Received: 6 December, 11 pm*

No. 2250–S. Superintendent series. Your telegram No. 27646[1] dated December 5th. Political situation.

2. Sapru's committee consists of
   (1) Sapru (Chairman)
   (2) Jagdish Prasad (Secretary)
   (3) Jayakar
   (4) P. R. Das
   (5) Wazir Hassan
   (6) P. K. Sen
   (7) The Metropolitan
   (8) Radhakrishnan
   (9) Ramalinga Reddy
   (10) Gopalaswami Ayyangar
   (11) Homi Mody
   (12) Maharaj Singh
   (13) Mohd. Yunus
   (14) N. R. Sarker
   (15) K. Srinivasan, editor, *Hindu*
   (16) Tushar Kanti Ghosh, editor *Amrita Bazar Patrika*
   (17) John Matthai
   (18) F. R. Anthony

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(19) Sachchidananda Deshmukh Sinha
(20) San T. [Sant] Singh
(21) B. L. Rallia Ram
(22) Nabi Bakhsh Mohd. Husain.

K. Santhanam is Joint Secretary but apparently not a member. Sapru hopes to secure more acceptances from the Hindus, Moslems, Scheduled Castes and a Sikh. Three of these new members may be retired High Court Judges. I am posting press cutting giving list and Sapru's statement by fast air mail today.

3. Even as a collection of individuals committee is not repeat not a good one. Many of the members are past their best. Sapru, Jayakar, Radakrishnan and the Metropolitan are personally eminent, but Sapru and Jayakar are embittered, Radhakrishnan is the academic type, and the Metropolitan is a very old man. Das, Wazir Hassan and Sen are retired High Court judges and I understand not highly thought of. You know most of the rest. They are largely Liberal followers of Sapru and equally ineffective. Srinivasan and Ghosh, who may prove the most active members, are certainly not impartial on the communal issue. Mohd. Yunus is Bihar politician of no great standing. Anthony is Gidney's successor as Anglo-Indian leader. He is member of National Defence Council but I have no high opinion of him. Sant Singh is Sikh Member of the Legislative Assembly of little importance. Rallia Ram is Punjabi Christian with Congress leanings and allied with Maharaj Singh. Nabi Bakhsh Mohd. Hussain[2] is Prime Minister of Bahawalpur.

4. As body likely to command general confidence committee is even worse. Wazir Hassan, Mohd. Yunus and Nabi Bakhsh count little with Moslems generally. I doubt if additions Sapru contemplates will be better. Views of Sapru, Jayakar, Jagdish Prasad and Hindu editors on Moslem League must be generally known. There is no one in the committee who is likely to have the energy to produce a report of any value.

5. I advise H.M.G. to disregard the committee. Little is expected of it in India and I learn from censorship intercept that Sapru would not resent move by Government.

[1] No. 133.
[2] Mr Gibson minuted here 'This is surely wrong; he *was* P.M. for a number of years, but the present P.M. in Bahawalpur is English—Mr. Crofton.' Mr Crofton had been Prime Minister since the summer of 1942.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&S/13/982: f 249

IMMEDIATE INDIA OFFICE, *6 December 1944, 11.55 pm*
SECRET

No. 27706. Your telegrams of 4th December, 2215-S[1] and 2217-S.[2] I much regret precipitate action of Chancellor and his colleagues on Standing Committee and am at a loss to see what they hope to gain by this rash move. Question of arbitration has a long history behind it. When this was raised during Willingdon's Viceroyalty it appeared that Princes were much divided upon the issue. May be Chancellor and his friends are looking forward to situation in which constitutional developments would have deprived them of reliance which they can at present place on Crown Representative's protection[3] in issues with British India and desire to stake out claim to compulsory judicial determination of such disputes. We can hardly deal now with a hypothetical situation but would of course endeavour to provide all possible safeguards when the time comes.

I hope you will keep me informed of further developments.

[1] No. 130. [2] No. 131. [3] ''s protection' omitted in decipher.

137

War Cabinet

India Committee. I (44) 4th Meeting, Minute 2[1]

L/PO/6/108b: ff 320–4

Those present at this meeting held in Conference Room 'B', War Cabinet Offices, Great George Street, S.W.1, on 6 December 1944 at 6 pm were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler; Sir Edward Bridges and Sir Gilbert Laithwaite (Secretariat)

The Committee had before them a Memorandum by the Secretary of State for India (W.P.(44) 684)[2] dated 22nd November, covering correspondence with the Viceroy in which the latter had made proposals for a constitutional move.

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The Viceroy's proposals were briefly—

(1) The formation as soon as possible of a transitional Government at the Centre, representative of the main political parties, and functioning within the framework of the present Constitution. Its task would be—
   (i) to carry on the Government of India until the new Constitution and Treaty came into force;
   (ii) to appoint the British India representatives to the Peace Conference and other international conferences;
   (iii) to consider at leisure the composition of the Constitution-making body to be set up to draft the Constitution and negotiate the Treaty with H.M. Government.

(2) As a preparatory step the calling together of a small conference of the principal political leaders and certain others, to frame agreed proposals for the composition of the transitional Government, and to consider the best means of re-establishing popular Governments in the section 93 Provinces.

THE LORD PRESIDENT OF THE COUNCIL said that the Prime Minister suggested that the Committee should have a preliminary discussion and should report to the Cabinet before any hard and fast decisions had been reached by the Committee.

THE SECRETARY OF STATE FOR INDIA said that the Viceroy felt very keenly that some definite initiative must be taken now, and that this seemed the general view of the Governors and of the Viceroy's European advisers. As the correspondence showed, he felt some doubts himself as regards the Viceroy's specific proposals, and he had suggested an alternative which, however, the Viceroy had not been prepared to accept. It was clear that Lord Wavell attached great importance to these proposals, and if the final sense of the War Cabinet were to be unfavourable to them he urged strongly that the Viceroy's offer to explain them personally before a decision was reached should not be rejected.

I. THE VICEROY'S SCHEME

The Committee first considered the *proposals put forward by the Viceroy*. The following points were made:—

(*a*) Attention was drawn to several passages[3] in which the Viceroy spoke of His Majesty's Government "*implementing or honouring their pledges.*"

[1] Minute 1 related to Burma. This minute was issued by the War Cabinet Offices on 7 December 1944 to replace brief minutes of the meeting circulated the previous day. The earlier minutes and the Annex to them, which was a draft report of the Committee to the War Cabinet, are not printed. For the Committee's report as finally submitted to the War Cabinet, see No. 147. [2] No. 106.

[3] A note in the Minute at this point makes reference to para. 4 of Enclosure to No. 19; para. 2 of No. 39; para. 1 of No. 41; and para. 4 of No. 78.

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Judging from the Viceroy's language, it seemed that he thought that we would be failing to carry out some undertakings we had given unless we were to make a move on the lines which he (the Viceroy) proposed. This was surely a mistaken view. The Cripps' proposals, which represented an advance on anything previously offered, made it clear that it would be for Indians to frame their own constitution after the war and that we would be prepared to accept their scheme if agreed between them. The misunderstanding no doubt arose from the fact that, from causes outside our control, India had not yet attained the goal we had proclaimed for her. But there had been no failure to implement our pledge, and phrases suggesting that we had failed to do so might do great harm in the U.S. as well as in this country.

(*b*) The Viceroy recognised the difficulty of the communal problem but proposed to ignore it. The communal problem was a fundamental one and this was surely impracticable.

(*c*) The Viceroy's scheme envisaged getting Jinnah and Gandhi to form a political government of a representative character within the framework of the present constitution, and which should thereafter consider at leisure the composition of the constitution-making body. He had, however, given no arguments to dispose of the objections urged against this procedure in the past. Until it was settled how the new constitution was to be framed, it hardly seemed practicable to contemplate the formation of a more representative government at the centre based on political parties.

(*d*) The Viceroy's proposals abandoned the very important requirement that there should be prior general agreement among Indians on any constitutional scheme. They represented the destruction of the existing central Government which had served its purpose well. They brought Gandhi before the public again, and raised his stock at a time when he had failed politically.

(*e*) These proposals were the same in substance as Lord Wavell had put forward to the War Cabinet in September 1943 before assuming Office.[4] The War Cabinet had not then been prepared to accept them; and while it had been left open to the Viceroy to make proposals as occasion justified, there had since then been no such change in the Indian position as to strengthen the case for their acceptance.

(*f*) H.M. Government had never contemplated dispensing with the Viceroy's present Council and replacing it by representatives of political parties unless there was reasonable assurance that a measure of goodwill essential to the smooth working of the new constitution was forthcoming. The Viceroy, however, while admitting that he did not see much hope of results was now prepared to consider replacing his present Council. The scheme as it stood was abject surrender.

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(*g*) The Viceroy claimed that he had the support of the Governors, of the Commander-in-Chief and of the Home Member of the Government of India. It was far from clear from the papers available to what extent that support was in fact forthcoming for the precise proposals which had been put forward.

After discussion the general sense of the Committee was that the objections to the Viceroy's proposals as they stood were decisive, although the MINISTER OF AIRCRAFT PRODUCTION was not prepared to come to a final decision until the Viceroy had been heard in person.

II. SECRETARY OF STATE FOR INDIA'S SCHEME

The Committee proceeded to consider the *alternative scheme* which had been put to the Viceroy *by the Secretary of State for India* (Telegram of 10th October No. 226075 under cover of W.P.(44) 684) but rejected by him. The important feature of this proposal was that, while retaining the Viceroy's present Council untouched, it proposed the setting up of a conference in India for the purpose of discussing the future constitution.

THE SECRETARY OF STATE FOR INDIA explained that what he had in mind was a body of some 40 to 50 persons thoroughly representative of all sections, parties and interests and in particular of the martial races of the Punjab.

In discussion the following points were made:—

(*h*) Constitutional problems presented great difficulties even to highly trained and expert advisers. Was it likely that any results of value could be looked for from a body selected on the basis proposed by the Secretary of State?

(*i*) The effective alternatives were a highly skilled technical body which could put forward proposals technically sound, or a body politically representative which could guarantee the support of the parties from which it was drawn for whatever working scheme might be framed. The proposal under consideration satisfied neither of these requirements and would be open to the suggestion that the personnel of the conference had been hand-picked by the British.

(*j*) The suggestion was made that there might be advantage in inviting a carefully chosen body of Indian lawyers of the highest professional eminence to examine the problem in its technical aspect. Admittedly there was the danger that if such a body were appointed by Government it would be represented as being a "tame" body; while if the selection were not supervised by Government, an irresponsible gathering might result which would propose a purely academic constitution. It was felt,

[4] See Vol. IV, Chapter 2. [5] No. 52.

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on the other hand, that any discussion of this nature would be of value, since it would identify the points of difficulty. If the Indians could be led to put forward a proposal on these lines, there would be great advantage in this. The difficulties of appointing Moslem representatives on such a body, great as they were, might not be insuperable.

III. TIMETABLE

THE COMMITTEE next considered the *timetable*. It was pointed out that Sir T. Sapru had now constituted his Committee. The Viceroy himself contemplated (paragraph 5 of his telegram of 21st November No. 2132-S[6]—No. VIII in W.P.(44) 684) that a delay of anything up to 2 or 3 months might be necessary. There was clearly advantage in awaiting the outcome of the Sapru deliberations. Moreover the end of the German war (which at one time the Viceroy had thought the best moment for the announcement of any plan) was now remoter than it had been when his proposals were framed.

In these circumstances, the urgency of a decision on these proposals was less. It was relevant that the situation might have changed materially in the course of 2 or 3 months and that the Viceroy might, at the end of that time, be less wedded, than he appeared to be at present, to his proposals.

IV. ALTERNATIVE METHODS OF DEALING WITH THE INDIAN PROBLEM

The Committee proceeded to consider *alternative methods of dealing with the Indian problem* on the assumption that the Viceroy's present proposals were not adopted and that no practicable solution emerged from the deliberations of the Sapru Committee.

The following points were made:—

(*k*) Was it not desirable to consider an entirely new approach? Discussion in the past had proceeded too exclusively on the assumption that British Parliamentary institutions were the right model for the entirely different circumstances of India. While on a variety of occasions Ministers had of late expressed their doubts on this point,[7] *and while the Royal Commission*[8] *over which the present Lord Chancellor presided, and of which the Deputy Prime Minister was a member, had specifically rejected the British model as quite unsuitable for a revised central Government in India*, there was nothing to suggest that the minds of Indian constitutional lawyers and political leaders were not still moving in the same old lines.

(*l*) H.M. Government should clear their own minds as to how best to handle this problem, having regard to the commitments into which we had already entered. Arrangements should be made for the requisite data to be made available to the Committee so that any new approach

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could be considered in the light of them. (The Viceroy's misunderstandings as to British "pledges" emphasised the importance of knowing exactly where we stood).

(*m*) There would also be advantage in an examination being made from the technical point of view and on a non-committal basis of the practicability of a different approach to the Indian problem. Thus, it was pointed out that no serious study had ever been taken of how democratic principles could best be applied to countries with a serious minority problem.

V. REPLY TO THE VICEROY

A brief discussion followed as to the *line to be taken in replying to the Viceroy*. It was agreed that, if the Viceroy's present proposals did not find favour with the War Cabinet, he should, before a decision to reject them was taken, be given the opportunity of arguing the case for them in person. A refusal either to accept them or to listen to his own justification for them would expose H.M. Government to criticism and grave misunderstanding.

VI. CONCLUSIONS

The Committee—

Agreed that a report should be prepared and submitted to the Prime Minister on the lines of the above discussion. (See Draft Report[9] circulated as an Annex to the Minutes).

[6] No. 103.

[7] The following passage indicated by italics was added in an Addendum circulated by the War Cabinet Offices on 9 December 1944. L/PO/6/108b: f 318.

[8] The Indian Statutory Commission, 1927–30. For its report see Cmd. 3568, 3569 and 3572.

[9] See note 1.

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Note by Field Marshal Viscount Wavell

Wavell Papers. Notes of Important Interviews, 1944–7, pp. 99–100

NOTE ON CONVERSATION WITH MR. JINNAH ON 6TH DECEMBER 1944

I had an hour's conversation with Mr. Jinnah this morning. He was quite forthcoming and friendly. After a few preliminary remarks, he started on a discussion of the political situation. He said that India had never been a united nation and never could be. Indian unity was only a British creation, and unity of India under one Native Government would have no historical parallel. It was impossible from a practical point of view, it had been tried for the last 30 years and had completely failed.

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I said I did not agree with his thesis. It might be true that the present unity of India had been brought about by the British; but did not he agree that, from a practical point of view, it ought to be maintained? India was a geographical unit, with very defensible frontiers; and, from the point of view both of security and economics, should certainly remain as one, if at all possible. He admitted that the unity of India was an ideal to be aimed at, but maintained that it was an impracticable ideal. I said I did not think it had yet been proved impossible; whenever Hindu and Muslim worked together on a common purpose, as in the Army and in similar undertakings, the communal question did not arise. I instanced the Government of the Punjab, where for seven years a Coalition Government had functioned with success on the common problems of the Punjab; and said I did not see why the same could not be done in other parts of India. I said that 30 years was a very short period in human history, and that an attempt could not be held to have failed simply from the experience of so short a time. I said that India was entering into a most critical period, and that the years after the war might be disastrous if India was occupied with internal disputes instead of being able to get ahead with the work which was absolutely necessary to raise the standard of living, to increase India's wealth, and to provide for the rise in the population. Would it not be better to leave the communal problem and the question of partition aside during these critical years and let all work together on the solving of the great administrative problems. While this was being done, the two communities would get to realise one another's point of view better and it might be possible to arrive at a solution of the constitutional problem by consent. If it proved quite impossible for Hindu and Muslim to work together for the common good of India, then it might be necessary to consider partition; but I certainly thought that it would be much better not to attempt it until India had established herself securely in the post-war world. I said that His Majesty's Government, and other nations, had to look at the problem from the point of view of the security of the world as a whole. A strong and united India would make a very great contribution to the peace of the East and of the whole world, while a disunited India, possibly engaged in an internal struggle, would be a menace to the whole peace of the world. It was necessary for leaders of wisdom to consider matters from this point of view and not from a narrow standpoint.

Mr. Jinnah asked me whether what I had in mind was a provisional Government under the existing constitution to carry India through the remainder of the war period and through the critical years following the conclusion of the war. I said that I was simply expressing a personal view, but that I did consider that that would be the best course for India at present; to shelve the communal problem, and to work together, with no question of either Hindu or Muslim domination, of the Centre or of any Province, until India was firmly established in the post-war world. This work might improve the relations between the

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two communities and enable a solution of the constitutional problem to be reached; if not, it would then be soon enough to try the surgical operation of partition. Mr. Jinnah said that he agreed and that he and the Muslim League had always been ready to take part in such a Government. He then went on to outline the discussions of November 1939 and August 1940; and said that he had always been ready to accept those offers, but that Congress had completely refused, although on one occasion he had had many hours' discussion with Gandhi and Nehru to try and persuade them to accept the office [offer] of His Majesty's Government. He said that the reason why the Muslim League rejected the Cripps Offer was that it had to be taken as a whole: that he would have been quite prepared to accept the short-term portion of it, i.e., participation in the provisional Government; but that he had been unable to accept the Cripps proposals for the settlement of the constitutional problem at the end of the war, since these would have been disastrous for Muslims. He said that if His Majesty's Government put forward any proposal for the formation of a provisional Government under the existing constitution, he would certainly be prepared to consider it; that he considered the difficulty would be in getting the Congress to agree; but that if His Majesty's Government made such an offer and declared their intention of implementing it even though the Congress did not accept, then the Congress would probably hesitate to stand out. He then said that such a proposal was, he considered, the best for India at the present time; but reiterated his conviction that Pakistan was eventually both necessary and desirable; and said he would convince me of this if I would give him sufficient time at some other date. He said that conferences were of no value at all at the present juncture, and that the only hope was to work together on practical problems.

The above is a rough record of an hour's conversation, during which I made no notes, but I think it represents pretty accurately the general purport of the discussion.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 72

IMMEDIATE NEW DELHI, *7 December 1944, 5.55 pm*
SECRET *Received: 7 December, 6.30 pm*

No. 2256–S. Superintendent series. Political situation. I had an hour with Jinnah on 6th December. He said he thought United India a British creation which could not survive under Indian rule. I disagreed and told him that in my view it was vital for India in critical post-war years to maintain her unity.

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India should shelve communal problem and Hindus and Moslems should work together to make India secure and solve her administrative problems. If later Hindus and Moslems found it impossible to work together they might consider partition but it would be fatal to attempt it now. Jinnah asked if I had in mind restoration of provisional Government under existing constitution to last for remainder of the war and for critical years thereafter. I replied I was expressing only personal view but that I did consider Government (? full) text [*sic*] the best course for India at present. I thought that by working together communities might possibly reach solution of constitutional problem. Jinnah said he agreed. But in 1939 and 1940 Congress had been obstacle to provisional Government. Moslems had rejected Cripps offer because it had to be taken as a whole. Their objection was not repeat not to short term part of it i.e. participation in provisional Government but to long term part which was unacceptable. If His Majesty's Government offered provisional Government under existing constitution he would certainly consider it and if offer was accompanied by declaration that His Majesty's Government would go ahead even though Congress refused (? then) Congress would probably hesitate to stand out. He thought offer of this kind was best for India at present time though he was convinced that Pakistan was eventually both necessary and desirable and would convince me of this if I would give him further time. He said conferences were useless and that only hope was to get parties working together on practical problems.

2. Jinnah was friendly and forthcoming. His private statements have to be taken with some reserve but I think he meant what he said.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/623: f 8

SECRET

BOMBAY, *7 December 1944, 2.30 pm*
Received: 7 December, 11.45 am

219–S.C. Your 24615[1] of November 1st. Gandhi has written[2] asking for permission to publish his letter of July 17th[3] to the Prime Minister. I see no objection especially as he may publish without permission.[4]

[1] See No. 84, note 3. [2] No. 126. [3] Enclosure 5 to No. 20.

[4] On 7 December Sir E. Jenkins wrote to Mr Gandhi to inform him that Lord Wavell had telegraphed to London enquiring whether Mr Churchill would give his consent to the publication of the letter. Wavell Papers, Official Correspondence: India, Oct. 1943–Dec. 1944, p. 441.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/25

IMPORTANT
SECRET

BOMBAY, *7 December 1944, 7.35 pm*
Received: 7 December, 9.15 pm

No. 222-S.C. Continuation my telegram No. 2217-S,[1] dated 4th December. Resignation of Chancellor, etc.

2. It is now reasonably clear that Nawab of Bhopal was himself principal instigator—encouraged by Indore, Nawanagar and Rampur. Reasons which have animated Indore and Nawanagar will occur to you. Rampur is a money grubber whose State has reached unprecedented prosperity in recent years as result of fiscal advantages it enjoys at present, and he must view possibility of post-war controls in economic matters with much distaste. Bhopal's own motives are not so obvious. He is one of shrewdest of Princes but is ambitious and tortuous and his ill-considered action may be due to megalomania. I shall presently have more accurate information about his motives.

3. I had interview[2] with Bhopal yesterday at his own request. He is staying in Viceroy's House. His account of incidents as they occurred in Standing Committee was disingenuous and he had to admit that when he saw me for second time on 3rd December (paragraph 5 of my telegram under reference) he had written resignations—his own and those of Pro-Chancellor and rest of Standing Committee present in Delhi—in his possession. I took him quietly but made it perfectly clear that I considered his action to be both precipitate and unwise. I informed him that he and his Committee had been guilty of discourtesy both to Crown and to myself as representative of Crown. For present he and his colleagues on Standing Committee had put out of action the normal machinery for collective discussion between the Princes and myself. I must take some time to consider the situation, and in the meantime could only deal with Princes individually. Nawab seemed ashamed of himself and said if I thought he had made a blunder he was prepared to admit it. I replied I thought he had made a most serious blunder and our talk then ended.

3. [*sic*] I am on tour until 16th December and will resume consideration of this problem on my return. By that time Princes will have dispersed and matter will I hope have ceased to attract public attention. It is too early yet to gauge Indian press reactions accurately but some papers at any rate have not failed to

[1] No. 131.
[2] Wavell's note of this interview is in Wavell Papers, Official Correspondence: India, Oct. 1943–Dec. 1944, pp. 439–40.

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draw attention to folly of Princes' gesture, and even National Hindu papers are cautious.

4. The background to incident is undoubtedly general uneasiness of Princes on our future policy. In effect the attitude of the group responsible for this incident is "we have tolerated your interference in our affairs because you upheld our status and privileges; now we do not believe you intend to defend us to the last, but you are increasing your interference, and we don't like it". I will enlarge on this later on.

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Mr Turnbull to Sir E. Bridges

L/PO/6/108b: f 330

SECRET INDIA OFFICE, *7 December 1944*

Dear Bridges,

I am sending you separately a letter[1] asking for certain amendments which my Secretary of State would like made to the draft report of the India Committee.[2] He asked me to say for your private information that the object of these changes is mainly to make the tone of the report rather less hostile to the Viceroy. For that reason he thinks it fair to point out in the report that the Cabinet decision in W.M.(43)136th Conclusions,[3] while it rejected the Viceroy's proposals that he should be authorised in advance to proceed with proposals on the lines he has now repeated, did say that it was open to the Viceroy to submit recommendations at any time if he thought the moment opportune. Moreover, in 1943 the India Committee itself endorsed[4] the proposals which the Viceroy made. My Secretary of State feels that the present wording in paragraph 4[5] rather gives the impression that the Viceroy is endeavouring to reopen the Cabinet decision which had finally gone against him, whereas the position rather was that the Cabinet had declined to endorse the Viceroy's proposals at that time, but left it open to him to raise them again after he had been in office for a time.

My Secretary of State quite accepts the substance of the draft report, but he hopes you may be able to include the amendments he has suggested. He is anxious that the wording of the report should not be such as to increase the difficulties which on the personal side are in any case likely to be considerable.

Yours sincerely,

F. F. TURNBULL

[1] Not printed.

[2] This draft report is not printed (see No. 137, note 1). For the India Committee's report as finally submitted to the War Cabinet, see No. 147.

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[3] Vol. IV, No. 168. [4] Vol. IV, Nos. 120, 152, and 159.

[5] Para. 4 of the draft report read: 'We note in the first place that these proposals are substantially identical with those put forward by the Viceroy, before he assumed office, in September, 1943. These proposals were not at that time accepted by the War Cabinet, and we know of no change since then in the Indian situation which would render them acceptable at the present time. Nor are we satisfied that the degree of support for them from provincial governors or even from the Home Member of the Government of India is so great as the Viceroy's telegram suggests.'

In his separate letter to Sir E. Bridges of 7 December, Mr Turnbull suggested the second sentence of the above para. should be amended by the insertion after 'War Cabinet' of 'though it was left open to the Viceroy to raise them again if he thought the moment opportune at a later date'. The word 'and' should then be omitted and a new sentence should begin 'We know'. In the third sentence 'them' might be replaced by 'these particular proposals'. L/PO/6/108b.

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War Cabinet Paper W.P. (44) 708

L/P&S/13/982: ff 195–8

India

Resignation of the Chancellor and Members of the Standing Committee of the Chamber of Princes

7 December 1944

1. I circulate for the information of my colleagues telegrams dated the 4th December from the Crown Representative (Annexures 1 and 2) announcing and giving his first comments on the resignation of the Chancellor of the Princes' Chamber (His Highness the Nawab of Bhopal), the Pro-Chancellor (His Highness the Jam Sahib of Nawanagar) and nineteen members of the Standing Committee of the Chamber on the eve of the session of the Chamber in Delhi.

2. It appears that this unexpected and unfortunate development is claimed by the Chancellor to have been precipitated by disappointment at the tone of the formal reply sent on behalf of the Crown Representative to points raised by a small deputation of Princes led by the Chancellor to meet Lord Wavell on the 15th–16th September. I circulate (Annexure 3) the terms of this reply, of which the text had been agreed between the Crown Representative and myself. It gives the Crown Representative's considered answer on points orally raised with him at the meeting regarding the following matters:—

I. Joint Administrative Services for groups of States.
II. Protection of the States against attacks from British India.
III. Scheme of Attachment of States.
IV. Industrial Policy.

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V. Courts of Arbitration.
VI. Post-War Reconstruction.
VII. Treaty Rights.

The Princes' representations on these matters were, after the meeting, elaborated in a document running to twenty-nine pages of print which, as the reply is generally self-explanatory, it is not necessary to circulate. With regard to point III (Scheme of Attachment), I would refer to my memorandum of the 27th January, W.P. (44) 57,[1] and with regard to point VII (Treaty Rights), to my memoranda of the 4th September and the 22nd December, 1942 (W.P. (42) 420[2] and 610[3]) leading up to a letter addressed to the Pro-Chancellor of the Chamber on the 9th January, 1943,[4] with Cabinet approval, of which the relevant extract is cited in the concluding paragraph of the recent letter to the Chancellor (Annexure 3).

3. The Crown Representative states that the disappointment occasioned by his reply is attributed mainly to his comments on Point V (Courts of Arbitration). This matter has not been before the Cabinet recently, but has a long history behind it. Certain Princes have rested dissatisfied with the conditions in which they are entitled under a Resolution of 1920 (Annexure 4) to invoke settlement of their disputes with the Crown Representative on the advice of an arbitral tribunal. It is claimed that in a particular class of case relating to disputes on material issues there should be access to a judicial tribunal as of right instead of at the Viceroy's discretion, and that the findings of the tribunal should be final and not, as now, by way of advice only to the Crown Representative who retains his discretion to accept or modify the terms of the advice tendered. A brief summary of the developments in this matter is given in Annexure 5 and explains the terms of paragraph 6 of the Crown Representative's reply on the subject (Annexure 3).

4. The Crown Representative has promised to keep me informed of further developments in this unfortunate episode. It is satisfactory that an assurance has been given to him that the action of those Princes who have resigned their offices will not affect their determination to continue doing their utmost to help in the prosecution of the war. As the Viceroy observes, the Princes in making an issue of the questions of their Treaty Rights and of compulsory arbitration are on weak ground. The best guarantee of their fair treatment over disputed issues rests in the retention by the Crown Representative of discretion to decide claims as he thinks fit, rather than on a literal interpretation of language used in documents negotiated in the distant past. I feel sure we can rely on the Crown Representative's ability to deal with any extravagant claims now advanced and to bring the Chancellor and those associated with him to reconsider their position and resume their functions.

L. S. A.

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Annexure I to No. 143

TELEGRAM FROM VICEROY TO SECRETARY OF STATE FOR INDIA, DATED 4TH DECEMBER, 1944

[*There follows the decipher of No. 130*]

Annexure II to No. 143

TELEGRAM FROM VICEROY, DATED 4TH DECEMBER, 1944

[*There follows the decipher of No. 131*]

Annexure III to No. 143

LETTER FROM HIS EXCELLENCY THE CROWN REPRESENTATIVE TO THE CHANCELLOR OF THE CHAMBER OF PRINCES, DATED 3RD[2ND] DECEMBER, 1944

[*There follows the text of Enclosure to No. 98 as amended by No. 118.*]

Annexure IV to No. 143

GOVERNMENT OF INDIA (FOREIGN AND POLITICAL DEPARTMENT).—RESOLUTION NO. 427-R., DATED 29TH OCTOBER, 1920 (AS AMENDED BY RESOLUTION NO. 224-P., DATED 3RD MAY, 1926).

[*For a summary of this Resolution, see No. 98, note 6.*]

Annexure V to No. 143

SUMMARY OF DEVELOPMENTS REGARDING SETTLEMENT BY ARBITRATION

An indirect consequence of the legal theory of paramountcy has been the demand that disputes now determined by the arbitrary action of the Paramount Power should, if justiciable, be settled by arbitration (although it should be noted that the authors of the legal opinion themselves held that the Paramount Power was under no legal obligation to provide machinery for independent adjudication). The method of settling disputes with and between the States by arbitration is, of course, not unknown. An *ad hoc* tribunal successfully determined by agreement between Madras and Mysore their long-standing dispute

[1] This explained the situation which had arisen from the judicial decision invalidating the Kathiawar attachment scheme and suggested possible remedies. L/P&S/13/974: ff 283–4. See Vol. IV, Chapter 6 for documents on this subject.

[2] The reference should be W.P. (42) 391; i.e. Vol. II, No. 691.

[3] Vol. III, No. 290.

[4] See Vol. III, No. 309, note 4; the date should be 4 January 1943.

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as regards the Cauvery Waters. On the other hand, recourse to this method of settlement had been unusual. Thus the authors of the Montagu–Chelmsford Report were impressed with the special advantage of submitting certain classes of disputes to an arbitral tribunal for investigation as a normal preliminary to the final decision of the Paramount Power, and as a result of their recommendations specific machinery was devised for this purpose.

The procedure approved so long ago as 1920 has in fact seldom been utilised, though this appears mainly to have been due to the reluctance of States to be bound by it in their disputes with one another. As a result of the evidence brought to light in the Butler Committee's enquiry,[5] it was strongly felt that the charge made by certain Princes against Government of being party and judge in its own suit should if possible be disposed of in the class of case in which the dispute turned upon a *material* issue (such as land, water or money) by adopting the definite policy of referring such cases, subject, of course, to the Viceroy's discretion, for the advice of an *ad hoc* arbitral tribunal before decision. It was realised that the bulk of cases of this kind would be disputes between State and State or a State and a Province, not between a State and the Paramount Power. Thus, the Viceroy was informed that some definite advance on the arbitral procedure provided for under the Montagu–Chelmsford Report might be offered, especially in material issues, always subject to a discretion remaining with a Paramount Power to refuse a judicial settlement when, in the opinion of the Viceroy, the essential and ultimate responsibilities of the Paramount Power are involved. Recourse has been had to this procedure for the settlement of two important disputes between a State and the Paramount Power. It was after hearing and advice by Lord Dunedin in 1934 that the Jam Sahib of Nawanagar's claim to sea customs on goods entering British India after having been imported at Bedi was compromised. Again, a tribunal gave advice in 1934 which caused the Government of India to reject the claim of Indore to refund of the proceeds collected in the State of a terminal tax imposed in war time on goods carried by rail. There is reason to think that the States would stipulate for the reference of all disputes about their treaty rights to a special court, were their protection to cease to be a special responsibility of the Governor-General.

[5] The Indian States Committee, 1928–9 chaired by Sir Harcourt Butler. For its report see Cmd. 3302.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND SECRET INDIA OFFICE, *7 December 1944*
Received: 13 December

The Cabinet India Committee met yesterday[1] and got to business at once. There was general agreement that the strong view expressed by yourself and supported by others in favour of some initiative could not be ignored and that if necessary you should be invited to come home in order to discuss the matter. On the other hand, your particular proposal raised all the objections which in my previous telegrams I suggested were bound to be brought forward. There was indeed a strong feeling that the whole question of the constitutional future of India needed a more fundamental re-examination than it has yet had. In view of the Sapru position—not to speak of the increasing uncertainty as to the end of the German war—we obviously have two or three months during which we can, at both ends, give the whole subject further consideration.

2. The one conviction that is quite clear to my mind over all this business is that there can be no solution of the Indian problem so long as either we or Indians think in terms of the British constitution, i.e., of an Executive dependent from day to day on a parliamentary majority. That in fact means dependence on a party caucus and inevitably makes for the rigidity of the party machine and for the concentration of political leaders on improving their machine by advocating extreme policies, rather than on finding compromises and making the administration work. It is the British system, unwisely and inaccurately copied by most European countries outside of Switzerland, which has in so many countries led to the totalitarian conception of permanent one-party government. One might indeed say that the whole Congress attitude has arisen from its preoccupation with the idea of control of the Executive through party organisation. Under Indian conditions that has inevitably become increasingly a communal issue and increasingly inflamed communal antagonism.

3. Your letters and telegrams seem to me, if I may say so, to assume that a meeting of leaders in order to discuss the formation of an immediate government is something that raises the communal issue less acutely than a meeting of non-party leaders discussing the constitutional question. I should have thought just the opposite. I cannot imagine Gandhi, Jinnah, or other leaders of that type, considering entry into the government from any other point of view but that of acquiring complete control for their party on British lines. Jinnah

[1] See No. 137.

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of course, knowing that he cannot get complete one-sided control for the whole of India, wants to get it for his Pakistan, thereby simply transferring the deadlock to the smaller area. On the other hand, a body that set out to study the constitutional problem seriously, especially if it were composed of people outside party politics and included constitutional lawyers and other students of constitutional problems, while coming up against the communal problem might make an honest attempt to try and find a way round it. In the course of doing so it is quite conceivable, and indeed probable, that, in the light of Coupland and other writings on the subject, they might come to the conclusion that a different type of constitution is essential for India. If once they do, there is at any rate some hope of Indian opinion recrystallising in a new direction, and it is in that recrystallisation that the best hope of a final solution of the deadlock must be sought. If that fails to come about, I can see no alternative myself but the eventual imposition by us of the kind of constitution that we think can be made to work, with ample provision for India to change that constitution after a short period, if they think they can find a better one.

4. One of my reasons for not being anxious to see the supersession of the present Executive is that I am convinced that in any workable constitution for India the Executive must, like the present one, be independent of party votes in the Legislature and that its members should feel independent. It is possible that one might have an Executive originally elected, like the Swiss, by proportional representation on a secret ballot of both Houses. In that case they would still be party men, but at any rate independent for the rest of their period of office. My own inclination would be to think more in terms of an all-India Executive of which the members would be nominated by the Provincial and State Governments. Better still, perhaps, by the Government of the sort of larger units which Sikander and Coupland have suggested. The great thing is that they should not be in the Executive *qua* party leaders, but sent by the units in order to represent their administrative and economic interests at the Centre.

5. All this means getting away from the British notion of an administration consisting of party leaders: but, after all, that is not essential to democracy. The Swiss constitution is democratic. So is the American. Yet in the American constitution the members of the Executive have far less say than your Executive and are deliberately chosen outside the ranks of party political leaders. It is only rather exceptionally that any of them have ever been senators or Congressmen. Those who want to be political leaders in our sense have to be content to find their sphere within the discussions of the Legislature. All this is unfamiliar to us: but the great thing is that it does work; and works under conditions under which our system would not work.

6. You say that the party leaders hold the key of the position and have behind them the big industrialists and the Press. If there were one key to the

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position I should readily agree. But the trouble is that they hold two antagonistic keys and that you cannot satisfy either without creating chaos in India. Therefore, my answer would be that, however uphill the task, we must face the fact that the solution cannot be found on lines which either the press or the party organisations would do otherwise than criticise. That just cannot be helped. As for big industry, once it discovered that it was not going to get control of the Executive through controlling the Congress Party's purse-strings, it might also begin somewhat to reconsider its attitude and be more intent on getting its big men, like Dalal, directly on to the Executive on their merits.

7. To get to the bottom of the Indian difficulty I think we have got to distinguish clearly between three main factors in the case. One is the presence of the two great communities, not to speak of that too frequently ignored factor the Princes, and the intensification of the consequent trouble by our British constitutional prepossessions. The second is the natural resentment felt by everybody in India, European and Indian, from the Viceroy downwards, at India, as such, being subordinated to a distant outside authority governed by influences, even if not of self-interest, at any rate often ignorant and insufficiently responsible. That was the feeling which brought about the American revolution and led by evolutionary methods to dominion self-government. The third is the nationalism of race which makes all Indians, regardless of their mutual differences, united in wishing to see India governed by Indians. I put these three factors in order, not of fundamental importance, but of importance in the sequence in which they have got to be solved. The first thing to my mind is, as I have said at length above, to get away from the particular constitutional prepossession which has so grievously intensified the anyhow difficult communal problem. The next will be to convince India that she is being governed by people in India, and solely in India's interest. Once that can be achieved, I believe the intensity of feeling arising from the third factor might be greatly diminished. What I mean is that once Indians knew that from the Viceroy downwards Europeans in India are India's servants, only concerned with India's welfare and looking at all their problems from the Indian point of view, they would be far less impatient of the presence of the European element in their Government. As a matter of fact that is already true of all Europeans in India, from the Viceroy downwards. But it is not believed: and there is just enough of interference from outside to justify in Indian eyes the suspicion that Englishmen in India are there purely to promote England's interests. I am by no means sure that, in an India that had once found a constitutional solution and felt that it was governed solely in India's interests, an English Viceroy with wide discretionary powers in the last resort would not be looked upon as a safeguard of the whole constitutional position, while a moderate admixture of

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English officials and even more perhaps of English technicians, would continue to be recognised as essential for a good long time to come.

8. These are of course my own views and not those of the Cabinet; but in this matter, anxious as you are for definite steps now, you must keep in mind not only the immediate Cabinet situation here during the next few months, but what you may be able to succeed in bringing about in the course of the next few years. My own position over a period almost as long as the full tenure of a Viceroyalty has been all the time an uphill fight in which I have submitted to a good many checks, been forced to miss opportunities which I thought hopeful, and patiently resumed whenever I saw another chance. On the whole I feel that appreciable progress has been made over that period, partly in the actual development of the constitutional position, but even more, I hope, in the slow growth of ideas about it.

9. As things have turned out the delay in letting you have the Cabinet reply about the South-African Indian controversy has been all to the good, not only in letting excitement simmer down, but because in the interval Smuts has quashed the offending Natal Ordinance and is obviously looking for a compromise. I do hope you will get your colleagues to realise that Smuts has been genuinely helpful. I know Shafa'at in his letters has consistently described him as a trickster and a liar and only concerned to turn an awkward corner by any compromise that might come to hand. I have telegraphed[2] to you expressing my anxiety that Shafa'at should not try to spoil a settlement or stiffen up Kajee to take up an unpractical and theoretical attitude. After all, the High Commissioner's business in South Africa is to represent the general interests of India in relation to South Africa and not constitute himself as a spokesman of the South-African Indian community in their relations with their own Government.

10. I am truly sorry that the Foodgrains statement has got into difficulties.[3] Cherwell was unprepared to accept the original statement and indeed produced an entirely different one. I managed to get this turned down by the Committee, but only on the basis that some of his points should be considered further and worked into the original draft. When this had been done it was unanimously accepted, and would be very difficult to get them to go back on it. I will try and see whether anything can be added to the oral statement which would meet Srivastava's views. But Srivastava should remember that the shipping position is terribly difficult and that it is only by degrees that I have brought Leathers into the very friendly and helpful mood which he has shown latterly. I do not wish to run the risk of a relapse in this respect or to have the matter, when it comes

Why on earth should Lindemann who knows nothing of food or of India decide this matter?

W.

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before the Cabinet, a subject of controversy out of which we might easily get a very much less satisfactory statement.

[Para. 11, on the report of the Indian Scientific Advisory Board for 1943, omitted.]

12. I have managed to head off a private notice question about the Princes till next Wednesday. I confess at this end it is very difficult to make out what real the source of trouble has been. Ralph Glyn, who is asking the question, seems to have been informed that the main trouble is the Government of India's determination to prevent industry being started in the States. I can hardly imagine that this is a correct statement of the position, though it may well be that the Government of India may object to industries being shifted to the States merely because they can escape taxation there.

At this end too.

W.

[Para. 13, on the situation in Greece; para. 14, on Captain Julian Amery; and para. 15, on the various agencies which could criticize British actions in the Balkans, omitted.]

[2] 980 of 7 December. L/P&J/8/301. [3] See No. 134, note 9.

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Minute by Sir D. Monteath

L/P&J/8/520: f 67

9 December 1944

Secretary of State,

The draft telegram below is designed as a provisional draft which it would be convenient to have available for discussion when the report of the India Committee comes before the Cabinet, on the assumption that the Cabinet will adopt that report. The task of composing a message to the Viceroy might be left to the Committee or to one or two members of it; but in any case it might be convenient to have a provisional draft on which to work.

A consequential matter to which attention needs to be given betimes is what explanation should be given to the public of the Viceroy's visit home, if it takes place. The necessity for it is dependent, at the moment, on the outcome of the deliberations of Sir Tej Sapru's Committee. It is just possible that the Committee might produce such recommendations, e.g. for taking a quite short and sensible step forward, as would prove easily acceptable by H.M.G. after no more than telegraphic consultation with the Viceroy; but in the more likely

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event that the Committee evolves otherwise, either by failure to produce any reasonable suggestion or by producing a suggestion which has a hostile reception in India or is clearly not acceptable by H.M.G., the need for the Viceroy's departure from India would be insistent, and in these circumstances could not but be associated in the mind of the public with the outcome of Sir Tej's Committee's deliberations. It seems pretty clear, therefore, that unless there happens to be a coincidence of some development in the war situation which of itself would be sufficient to justify a visit home by the Viceroy, there will be no option but to be entirely frank and say that the visit is in connection with possible constitutional developments. An announcement in this sense, of course, would stimulate hope and excitement, any deflation of which at the conclusion of the visit would produce a proportionately more dangerous situation in India; but this danger seems no greater than would result from the speculation and suspicion engendered by a disingenuous explanation of the visit home by the Viceroy immediately after the publication of the result of Sir Tej's Committee.

Another point which needs to be borne in mind is the question of an acting Governor-General in Lord Wavell's absence. On the present forecast that this would be in two or three months' time the absence would occur a month or so before, or alternatively, very near to the termination of Sir Arthur Hope's tenure in Madras. He is the senior political Governor in India and, the question of personality apart, would be the natural selection for the acting appointment. Granted that his successor has been selected and is available to take over, this would be the most *convenient* course. But once Lord Wavell comes home for discussions of constitutional problems, there is no saying how long the period of his absence would be and it is a matter for careful consideration whether Sir Arthur Hope should be regarded as a suitable temporary incumbent of what is now at all times a very exacting post. On merits Sir John Colville would probably be the best selection, but that raises the further question how best to cope with his temporary absence from Bombay.

D.T.M.

Enclosure to No. 145

DRAFT TELEGRAM FROM SECRETARY OF STATE FOR INDIA TO VICEROY

SECRET

Your letter of 20th September[1] and subsequent correspondence on the political situation. Proposals set out in your memorandum as subsequently modified with the arguments elaborated by you in later correspondence have now been considered by H.M.G. with care and with due sense both of the importance you attach to them and of the gravity of the situation which is developing and

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which they are designed to meet. In their considered view they do not find your proposals to differ materially from those discussed with you in London last year, and while they note the consensus of opinion that some move should be made they remain at present unconvinced that the objections which they then felt to a radical change in the composition of your Council are overcome by the reasons which you have urged in favour of your proposals. But they are unwilling to come to any final conclusion without the advantage of personal discussion with yourself and they would be most grateful if you could find it possible at a convenient opportunity to visit London for the purpose. In the absence of unforeseen developments they suggest that the most suitable time for the visit would be shortly after the results of the Sapru Committee's deliberations become known, that is presumably in two or three months' time, when it would be both appropriate and necessary to review the whole situation in the light of the success or failure of the Committee's proceedings. They hope that you will find it possible to make arrangements for such a visit.

[1] No. 19.

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Minutes by Mr Churchill

L/PO/6/108b: f 314

9 December 1944

Reference: Summary of Viceroy's telegram 2256–S[1] of 7th December.

Against the second sentence:[2]

"S. of S. for India.
This is quite true.
W. S. C."

Against the fourth sentence,[3] the words "and the Viceroy said . . . constitutional problem":

"The Cabinet have not committed themselves to this.[4]
W. S. C."

[1] No. 139.

[2] The second sentence of the summary read: 'Mr. Jinnah expressed the view that a united India was a British creation which could not survive under Indian rule'. L/PO/6/108b: f 315.

[3] The fourth sentence read: 'Jinnah referred to the possibility of a provisional government under the existing constitution and the Viceroy said that he personally thought a government of that kind was the best course for India at the present, as by working together the communities might possibly reach the solution of the constitutional problem.' *Ibid.*

[4] Mr Amery minuted here: 'Except to some extent in Aug. 1940 declaration'. See Vol. I, App. I.

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War Cabinet Paper W.P.(44) 720

L/PO/6/108b: f 307

India: The Constitutional Position

REPORT BY THE INDIA COMMITTEE.

11 December 1944

We have considered the Viceroy's proposals for a constitutional move set out in the enclosures to W.P.(44) 684.[1]

2. Those proposals contemplate the establishment in the near future, and in advance of any further steps towards a settlement of the constitutional issue, of a transitional government at the Centre, representative of the main political parties, and functioning within the framework of the present constitution. As a preparatory step, a conference of leaders would be called together to frame agreed proposals for the composition of the transitional government, and to consider how best to re-establish popular governments in the Section 93 provinces.

3. The Viceroy attaches great importance to an early move and states that "it is not my opinion alone, but that of the Commander-in-Chief, the Home Member and the eleven governors that an early move is necessary." He asks that, if the War Cabinet are not prepared to accept his proposals, he should be allowed to visit this country to urge them personally.

4. We note, in the first place, that these proposals are substantially identical with those put forward by the Viceroy, before he assumed office, in September 1943.[2] These proposals were not at that time accepted by the War Cabinet, though it was recorded that it was, of course, open to the Viceroy at any time to submit recommendations to the War Cabinet if he thought the moment was opportune for taking some further step which would assist a solution of the constitutional problem. We know of no change since then in the Indian situation which would render these proposals acceptable at the present time. Furthermore, the degree of support which the Viceroy's telegram at first reading seemed to suggest, on further examination, appears to us to be for some new initiative rather than the Viceroy's specific proposals.

5. The view of all the members of the Committee are wholly adverse to the Viceroy's proposals, although the Minister of Aircraft Production and the Secretary of State for India are not prepared to come to a final decision until there has been an opportunity for the Viceroy to visit this country and explain the reason why he and his advisers consider that circumstances are now propitious for putting forward such proposals.

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6. The Viceroy, when he submitted these proposals to the Secretary of State in September 1944, took the view that "some positive move should be made by His Majesty's Government as soon as possible."[3] But he now agrees that the matter is much less urgent. Sir Tej Sapru has convoked a conference of prominent political personages in India, and we are agreed that any action must await the outcome of the deliberations of that body. If, in fact, it produces a scheme which is sufficiently realistic to merit consideration, that will ease the position. If, as we are inclined to anticipate, nothing constructive results from its discussions, future policy can best be considered in the light of the resulting situation.

7. In these circumstances we are disposed to suggest that, while some reply must be sent to the Viceroy, all that need be said to him at this stage is that, while His Majesty's Government note the consensus of opinion to which he has referred, they are of opinion that, before any proposals on the lines which he has put forward gain currency, it is very desirable that there should be a discussion with him here in London, and that the best time for such discussion would be when the outcome of Sir T. B. Sapru's discussions is known.

8. We attach considerable importance to nothing being done which would lead to the Viceroy's proposals being discussed in a wide circle in India; and for this reason, and for this reason only, we have rejected a suggestion that the views of the eleven Provincial Governors on the Viceroy's proposals should be called for in writing.

9. In suggesting that the Viceroy might pay a visit to this country we are influenced by the great importance which he clearly attaches to the acceptance of his proposals, and by the misrepresentation to which a refusal to hear him personally, if followed by his resignation, might give rise; and by the injury which this might do to relations between Great Britain and India, as well as in the wider international sphere.

10. Pending the report of Sir Tej Sapru's committee, we think there would be advantage in a stocktaking by Ministers in London of the Indian position, designed to set out—

(i) The precise commitments which we have entered into (in particular we repudiate the view implicit in the Viceroy's correspondence that there are pledges which we have failed so far to honour or contemplate dishonouring).

(ii) The practicability of a different approach to the solution of the Indian problem.

Discussion disclosed that the opinion was generally held that the attempt to apply the British constitutional system to the Central Government in the entirely

[1] No. 106. [2] See Vol. IV, Chapter 2. [3] See No. 19.

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different circumstances of India was wrong, and that there would be considerable advantage if a technical and non-committal examination of possible alternatives could be made. The point was also taken that the application of democratic principles to countries with serious minority problems had never been really examined. Some members of the Committee held that it would be advantageous if this problem could be considered in its general aspects, and without specific reference to India.

C. R. ATTLEE
(On behalf of the Committee)

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET VICEROY'S CAMP, HYDERABAD (DECCAN),
12 December 1944

Many thanks for your letter of 30th November.[1] Just before I left on tour Khare sent me his summary for Council on the South African controversy. He still wants to give notice of the termination of the trade agreement and to examine the possibility of a limited stoppage of trade. He had not considered the effect on the situation of the statement put out by the Union Government after Smuts had seen the deputation from the Indian community. This statement is a *détente* of a kind, though it will not satisfy vocal opinion here. I was able to tell Khare, without criticising his proposals, that his summary needed revision, and I shall probably have to postpone discussion of it still further until I have seen him again and pointed out that the termination of the trade agreement would by itself do no good, and that it is quite impossible at present to distinguish between war and other supplies and to base a limited trade stoppage on such a distinction. Khare also sent up, under my instructions, a note circulating the main telegrams relating to Shafa'at's indiscretion. This too was out of date, as a further note from the Union Government has just come in questioning our views on the functions of our High Commissioner, and our right to interest ourselves in the welfare of the Indian community in the Union. The note ends with a strong hint that the Union Government may ask us to withdraw the High Commissioner. I doubt if Khare yet realises how badly Shafa'at has let us in. The Agent appointed after the Cape Town Agreement, and later the Agent-General, were recognised as spokesmen of the Indian community, and when the Agent-General became High Commissioner there was a good deal of diplomatic discussion, in which Smuts himself took part,

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about how his functions should be defined. We contend, I think rightly, that while he is no longer entitled to act as spokesman of the Indian community, it is part of his duty to advise the community, and that until the Indians in the Union were given the franchise, we must continue to hold a watching brief for them. On matters of this kind it is nearly always unwise to attempt a close definition, but Shafa'at, by telling the Union Government without instructions from us that we would recognise no agreement between them and the Indian community, almost compelled the Union Government to demand one. I told Khare that it was now useless merely to inform Council of Shafa'at's indiscretion and our attempts to deal with it, for the Union Government would expect a reply to their note and this would have to be approved.

The resignation of Kajee and the other Indian member from the Broome Commission[2] will not make things easier. I hope Shafa'at is not behind this. I have told Khare how anxious we both are that Shafa'at should keep his head and refrain from provocative action. The action taken in ejecting Mrs. Pather[3] will also help to inflame opinion here.

2. We have exchanged telegrams[4] about the Sapru Committee, and I am sure it will accomplish very little. Sapru has now asked for help from the Government of India in collecting information about communal representation in the Services, the grant of special educational facilities to members of particular castes, and the declarations of constitutional policy made by His Majesty's Government, Linlithgow and myself. I have told Sapru to deal with my Reforms Commissioner, who will give or get the information the Committee needs. None of it is secret or confidential, and it will merely be a matter of collecting various rules, and extracts from speeches. I do not, as you know, share your belief in a preliminary constitutional enquiry even if the body making it were considerably better than the Sapru Committee. People are not in the mood to think or write temperately on the communal problem, and an academic solution of it, however ably done, would be contemptuously dismissed. If we are to make progress at all we must somehow get the parties *working* together and so bring them into a better frame of mind. It is because I am so clear about this that I favour some kind of transitional government with all its risks and inconveniences.

3. This point came out clearly during my talk with Jinnah on 6th December, of which I have already sent you a short account by telegram.[5] Jinnah was prepared to accept the unity of India as an ideal, but an ideal quite unattainable in present conditions. He said that the Muslims had been led by their experience

[1] No. 122. [2] See No. 95, paras. 3–5.

[3] Mrs Pather and her six children, the family of Mr P. R. Pather who was serving a sentence of two months' imprisonment under the 'Pegging Act' for occupying a house in a predominantly European area, had been ejected from the house on 9 December in pursuance of a court order.

[4] Nos. 133 and 135. [5] No. 139.

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of Congress domination to regard Pakistan as the only possible solution. I put it to him that if in the critical post-war years, on which the whole future of India may depend, we were busy cutting up the country, all parties would suffer, and that it would be very much better to hold India together for the time being at least and to undertake partition only if the Hindus and Muslims found in practice that they could not carry on. He readily agreed, and said that for his part he was prepared to co-operate in a Coalition government under the present constitution. The opposition to this had in the past, according to him, always come from the Congress, and he saw little hope of Congress co-operating now. But if His Majesty's Government were determined to set up a Coalition government representing the main parties and made it clear that they would go ahead even if the Congress stood out, the Muslim League would be prepared to come in. Jinnah's private statements are no more binding than those of other people, and I have no doubt that he has mental reservations. But he was much less on the defensive than I expected, and I think he meant what he said. I am quite sure that he would give nothing away on the report of an academic Committee, and probably very little at a representative conference. On the other hand, he might co-operate in a Coalition government at the Centre and in getting Coalition governments going in the Provinces if he was satisfied about Muslim representation and that there would be no change in the present constitution.

4. I had a curious letter from Gandhi a few days ago asking permission to publish the letter he sent to the Prime Minister during the summer. He said he had regarded it as "sacred" and had shown it to only a few of his friends. I have telegraphed[6] for permission to publish. As Gandhi is in possession of the text he will no doubt put it out when it suits him, whether permission is given or not.

5. I have little fresh to report about the Princes. I spoke to Bhopal on 6th December on the lines indicated in paragraph 5 of my last letter.[7] As I told you in a telegram sent on 7th December,[8] he seemed ashamed of himself and quite prepared to admit that he had made a mistake. I am answering your telegram[9] about the question in Parliament on 13th December, but will have to take time before I give you a final view on the causes of this incident and its importance. I doubt if the explanation given by *The Times* correspondent is the right one. There is certainly no acute difference of opinion about development and other economic matters, though there must be a certain amount of anxiety. Up to the 2nd December the only thing that seemed to be worrying Bhopal was the proposed resolution about the relations between the States and the Crown Representative, and I strongly suspect that for reasons of his own he intended to engineer an incident when he came to Delhi. The resolution was not a good issue, as I told him I would not disallow it though I thought the Princes would

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be unwise to move it. So he used the letter of reply[10] to the points raised by the September deputation as the pretext for the expression of the dissatisfaction of the Princes—though, as I pointed out to him, few of the Standing Committee could ever have had the time to read it before putting their names to the letter of resignation. The two points in the letter which he stressed were those on courts of arbitration and treaty rights; and I am told that the sentence which you added about "the necessities of changing times" was the one to which the strongest exception was taken. It would, I believe, be wrong to say that the incident was a spontaneous protest on long-term economic grievances or anything of that kind. At a Conference on 7th December, Bhopal said the Princes were grateful to Dalal for taking them into his confidence about post-war planning, and were anxious to co-operate. The whole text of our reply to the September deputation has now been published in the *Hindustan Times*. The Chancellor, to whom the letter was addressed, must obviously bear the main responsibility for this indiscretion. I am endeavouring to ascertain the circumstances of the publication, and the legal liability of the *Hindustan Times*.

6. It is now clear that Ghulam Hussain Hidayatullah did not have things all his own way when he saw Jinnah. Immediately after his return to Karachi, Thomas, the new British Minister, resigned and was reappointed to a special post of Adviser to the Government. This was presumably part of a settlement under which Jinnah supports Ghulam Hussain Hidayatullah against the troublesome faction in the Sind Provincial Muslim League. It seems a pity to exclude non-party Europeans from Ministries on principle, but I suppose that is what Jinnah has in mind. Thomas will probably be able to do as much as Adviser as he could have done in the Cabinet. I understand he does not want a salary, so he costs the Sind Government very little, however he is employed.

7. I have telegraphed[11] accepting your oral statement on food imports but suggesting, at the instance of the Food Department, certain modifications which I hope you may be able to make.

8. I am glad you have written to the Ministry of Agriculture about the experts required by the Department of Education, Health and Lands. We did not of course expect to get cheaper experts from the United States—all our experience is the other way; the point is that we have got to find men from somewhere, and if we cannot get them from home we must probably go to America for them.

[Para. 9, on a proposal for the use of road trains in India; and para. 10, on Indian P.O.Ws. in France, omitted.]

[6] No. 140. [7] No. 134. [8] No. 141.

[9] 27884 of 7 December which informed Lord Wavell of Sir R. Glyn's private notice question on the lines of No. 144, para. 12. L/P&S/13/982: f 245.

[10] Enclosure to No. 98 with amendments in No. 118. [11] See No. 134, note 9.

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11. I have had your letter[12] about the representation of India at any conference on the world security organisation. There seems to be nothing more we can do at the moment. I have considered whether my original suggestions are affected by the present attitude of the Princes. I do not think they are, because even if the Chancellor and the Standing Committee fail to function we shall have to select a Prince as a member of the Indian Delegation just as we did before the Chamber of Princes existed.

12. I have taken up with Mountbatten the possibility of securing a statement from Wheeler or Sultan contradicting the insulting references to the Indian Army that are now so common in America. You have seen Himmatsinhji's report about this on which we have exchanged telegrams.[13]

13. I have just heard from Cunningham that he thinks his Ministry may not survive the budget session. He has asked a good many questions about procedure, and also suggests that he may have to hold general elections. I am having his problems examined by the experts. The Ministry may survive; if it does not, its downfall will occur about next March. I don't think it would cause any very serious difficulty.

14. We are still at loggerheads with Ceylon over the discussion of the status of Indians and connected matters. Aney advised us to try to get the discussion, which was broken off in 1941, reopened in connection with the investigation of Ceylon's constitutional future. The Ceylon Ministers are clearly not anxious to play, and have attempted to draw a distinction between the constitutional and the other aspects of the dispute. They say that their own constitutional discussions and the arrival of the Royal Commission[14] do not make it necessary to review the whole Indian problem. Our line will I think be not to press the Ceylon Government further, but to get our case stated as fully as possible to the Royal Commission. Aney seems to me very sound, his relations with the Ceylon Government and the Indian community in Ceylon are correct, and his advice is sensible.

15. I hear that Rajagopalachari is thinking of visiting the U.K. The information came to me through Wint who has been advised to mention the matter to the Home Member. Rajagopalachari's idea is to get an invitation to give some lectures, and while in the U.K. he would try to make some political contacts. I see no harm in the visit, and it might in some ways be useful. I have not heard what Mudie's views are, but I think he will agree.

16. We flew to Bombay on 7th December, and in the afternoon I gave away prizes to the boys of the training ship *Dufferin*, where I made a short speech. The *Dufferin* seems a very good show, and most of the boys trained there are doing well, though I believe many of them gravitate to Port Trust or Pilot Service appointments in preference to regular work at sea. The best

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openings for them are on the Indian-owned lines like the Scindia. The P. & O. take a regular quota, but many of their apprentices feel that they have better opportunities elsewhere.

On the morning of 8th December I drove round the dock area, where very remarkable reconstruction work has been done. A ship was occupying the berth in which the *Fort Stikine* was blown up, and in the docks themselves there was little evidence of the disaster. Many of the damaged warehouses had been cleared away completely, and some have been replaced by light temporary buildings. The work is still going on, but the main job is finished and has been very well done. Outside the docks the traces of the fire are very evident, though the place has been well tidied up.

[Para. 17, on press attacks on the British community in India for their alleged failure to do all they could for the Services, omitted.]

18. We moved to Hyderabad on the afternoon of 8th December and got the usual exchange of visits over the same day. On the 9th I spent the morning visiting the Hyderabad Army, and in the afternoon my wife and I saw the Osmania University (a fine conception, on which much work has still to be done), had tea with the Nizam, and were shown round an industrial exhibition. At night we had the State Banquet at the Chowmahalla Palace. It is a strenuous trip, very full of engagements. I will try to let you have some impressions of Hyderabad when I return to New Delhi.

[12] No. 74. [13] L/I/1/1035.
[14] Appointed to examine certain constitutional proposals of the Ceylon ministers.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND SECRET INDIA OFFICE, *14 December 1944*
Received: 20 December

I told you last week[1] what the general reaction of the Cabinet India Committee was to your particular proposal of a new interim Executive. They were particularly anxious that you should not commit yourself further to the idea before they have had an opportunity of discussing the whole matter with you and I am consequently a little anxious as to the reaction upon them, and more particularly upon Winston, of your recent interview with Jinnah.[2] They may

[1] No. 144, para. 1. [2] See No. 138.

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feel that you rather led Jinnah in the direction which you report him as favouring, and consequently that you are to some extent trying to anticipate their ultimate decision. I hope I may be mistaken, but I feel I ought to let you know this, in case you should get a rather stuffy telegram when the matter next comes before the Cabinet as it will, I imagine, at the beginning of next week.

2. My statement to the House yesterday[3] about the trouble with the Princes was sufficiently mystifying to prevent anyone from asking a supplementary! I can only imagine that it is due to a general nervousness about their whole future, in the light both of what the smaller States in particular feel may be insisted upon in the direction of grouping, and even more perhaps in coming into line with the general policy of reconstruction in British India. Is it possible that there may have been a leakage of Wylie's note with its references to the drastic use of Paramountcy?[4]

3. I am not sure that we are not drifting into a position in which we are pursuing two irreconcilable policies as between reconstruction and an Indian-made constitution. I am afraid it is becoming increasingly clear, so far as any constitution is concerned upon which Indians can agree, that even if it doesn't lead to Pakistan it will imply a Centre with very limited powers and, even so, that it would be difficult to get many of the Princes to join in. On the other hand, reconstruction, as at present contemplated, not only by Government, but by the business leaders, not to speak of Roy's Democrats, obviously implies a Centre with even more effective control than under the existing Constitution, and a control exercised not only over the Provinces, but over the States.

4. Somehow or other we have got to decide between these two policies, or, alternatively, to find some way of reconciling them. In Australia something of the sort was achieved by Bruce a good many years ago by setting up an inter-State Financial Council, which in effect, and in spite of the Constitution, gave effective central control of competitive borrowing. Is it possible, as indeed I have suggested in another letter,[5] that some sort of all-India Reconstruction Council could be set up to exercise powers at present possessed either by States or by Provinces? It could be set up of course over a definite period of years, so as to make it clear that at the end of the period there will be an opportunity for the different elements to revert to their former constitutional status if they so desire.

5. The other alternative would be to modify our whole policy of leaving constitution-making to the Indians, and frame our own avowedly provisional constitution in which, as Firoz suggested in his memorandum,[6] the powers essential for reconstruction should be retained at the Centre for a period of years and then dropped, unless the units wished otherwise. Such a constitution will have to provide for its modification or supersession within a certain period

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by an Indian-devised constitution, including even Pakistan, if they were not satisfied with it. Whether such a provisional constitution could be imposed on the States raises a very difficult question. On the other hand, it might not be impossible to find sufficient inducements to bring them into practical co-operation, especially if it were clear that that was for a specified period of years.

6. The whole problem indeed may need fundamental reconsideration and possibly very bold decisions. From that point of view, indeed, it may be as well that you should not commit yourself too far to a particular solution before the whole problem can be discussed by you with the India Committee here. I certainly feel that if we did come to such a conclusion as that a provisional constitution was necessary, we should certainly not this time frame it on the model of the 1935 constitution at the Centre, with a Parliamentary party Executive, but would be much more likely to make the Executive and the Legislature at the Centre something built up from the units and with the Executive independent, at any rate to the present extent, of the Legislature.

7. I have had a private letter[7] from Mudaliar reminding me of earlier talks[8] in which we had discussed the further Indianisation of the Executive, and I am afraid he will be keenly disappointed at the announcement of Rowlands' appointment. I wish it had been possible to have recommended him, for he has got both ability and intellectual integrity and balance. But there it is, and we must make the best of it. I will let you have a copy of any answer which I may send him shortly.

8. I am glad to know that you think it would be a good thing for Runganadhan to have a spell of leave in India. I am sure that the more official contacts between India and this country are kept frequently refreshed, the better. For that, quite apart from other reasons, I welcome the idea of your coming home early in the year. I still think, too, that if there were any reasonable pretext and no fear of the object of the visit being misunderstood, it would be a good thing if I came out for a short visit myself.

9. We had quite a useful little debate on Burma yesterday[9] in which I took the opportunity of saying certain things about the Indians in Burma, which I hope you will find helpful. I enclose a Hansard of the debate.

[3] *Parl. Debs.*, 5th ser., H. of C., vol. 406, cols. 1243–4.

[4] In the conclusion to his lengthy note of 5 October 1944 on Post-War Reconstruction in Indian States, Sir F. Wylie wrote: 'A close study of the present problem makes it seem likely that—unless drastic constitutional reform is achieved when the war is over—a new kind of paramountcy, much more intensive in its application, may have to be developed if the entire structure of post-war development which the Central Government are so laboriously building up is not to fall to the ground.' L/P&S/13/1833: f 138.

[5] Dated 14 December 1944 and commenting on Sir F. Wylie's note mentioned in note 4 above. *Ibid.*: ff 109–10.

[6 and 7] Not printed.

[8] Presumably Vol. IV, No. 34.

[9] *Parl. Debs.*, 5th ser., H. of C., vol. 406, 12 December 1944, cols. 1076–1128.

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[Para. 10, on the possibilities for monorails in India; para. 11, acknowledging receipt of J. E. Corbett's *Man Eaters of Kumaon*; and P.S., on a talk between Mr Amery and Lord Catto, omitted.]

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Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/193: ff 12–13

SECRET GOVERNOR'S CAMP, CENTRAL PROVINCES AND BERAR, *15 December 1944*

No. R.49–GCP

Dear Lord Wavell,

Many thanks for your letter dated the 30th November 1944.[1] I was afraid that the possibility of communal disturbances in some Provinces would stand in the way of developments on the lines of Rajagopalachari's ideas, as I understood them. I fully appreciate that this must greatly influence your decision. At the same time, I think that a distinction can be drawn between what I might call homogeneous Provinces—as for instance the C.P. with its 95 per cent non-Muslim population—and Provinces where the minority community is more powerful or more truculent. In the C.P. I would be prepared to answer for elections which would not involve any more serious menace to law and order than we are accustomed to face on the occasion of certain festivals. Colville tells me that he considered this question with his Advisers and their view was that they could face up to a general election. The same may hold true of other southern Provinces and also perhaps in Provinces where Muslims are in an overwhelming majority. I quite understand, however, your feeling about Provinces like the Punjab, the U.P. and Bengal. This seems to me to support Rajagopalachari's suggestion that the elections, when they do occur, might with advantage be "staggered" both in time and place. I do not think Rajagopalachari envisaged—any more than I do—elections in the immediate future. Indeed, the electoral roll would require to be revised and the procedure for elections would necessarily take some months so that with the advent of the rains it is quite possible that next autumn would be the earliest practicable date.

Jinnah's attitude, as disclosed in his interview with Mudie, seems to me to be wholly unreasonable because surely the Cripps offer provides full security for those Muslim Provinces which decide against a Federation. I take it that the point about numerical strength indicates a fear that decisions would be majority decisions but this, I think, was never intended and an explanation should be possible.

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As regards Congress re-organisation, the newspapers speak of a target figure of 100,000 "social workers"! It is district officers—a class with whom Pilditch has few contacts—who feel uneasy about these re-organisation measures and I have before me a report from the District Magistrate, Jubbulpore, that all Congress M.L.A's and prominent Congress workers, including the Presidents and Secretaries of all District Released Congressmen's Committees of the Mahakoshal, will attend a conference at Jubbulpore this month. This, says the D.C. appears to be the culmination of the complete re-organisation of the Congress in this area which started with unobjectionable and non-political initial meetings regarding the Kasturba Memorial Fund and was continued by meetings concerning Gandhi Jayanti and the formation of the Released Congressmen's Associations. I agree with Pilditch that there is no immediate danger and I feel no uneasiness whatsoever about the means of coping with another "movement" but I feel that all this re-organisation can only be directed towards some new form of activity which cannot but be embarrassing to us not only in India but at home and abroad. I know that you have no intention of allowing matters to drift and I hope that we may succeed in avoiding the publicity which attaches to "civil disobedience" in any form. There is some ground for expecting that Gandhi's health may stand in the way of any big effort. Meanwhile, we are considering whether we should use Defence Rule 56 against conferences of the kind threatened at Jubbulpore. Mudie has indicated that he will be visiting this and other Provinces in the near future and I shall welcome an opportunity of discussing some of the points which arise out of this subject.

[1] I.O.L. microfilm reel 2447. In para. 2 of this letter, Lord Wavell expressed views similar to those in No. 134, para. 8.

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Mr Casey to Field Marshal Viscount Wavell

R/3/2/54: ff 32–4

GOVERNMENT HOUSE, CALCUTTA, *17 December 1944*

I write in extension of my letter to you of the 6th November[1] on All-India politics.

2. I have not got any major matters of information or suggestion to put up to you—but a number of points have occurred to me in the last month or two that I think justify being put down on paper for what they are worth.

[1] No. 91.

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3. A considerable number of Indians (some Muslims but mainly Hindus) bring up, in conversation with me, the subject of the political future of India. On looking up my diary notes of these talks I am struck by the remarkable paucity of constructive ideas or proposals. Two well-known and responsible Hindus have suggested to me that the solution lies in the abolition of communal electorates; two others have suggested that the next move of consequence must be the release of the members of the Congress Working Committee. Another has suggested that this is the psychological moment for the release of Maulana Abul Kalam Azad (the Muslim President of the Congress)—but not necessarily the other members of the Working Committee.

4. It is quite remarkable that, in the course of a dozen or so interviews over the last two months, no more fruitful suggestions have emerged than the above. One cannot escape the conclusion that there is almost complete bankruptcy of political resource amongst Indians at present.

5. In these circumstances, I think that it is fair to say that we (the British) will have to find a way to enable them (the Indians) to get rid of us (the British)—if post-war Anglo-Indian relations are to remain reasonably good, and India remain within the British Commonwealth.

6. I may say that in these many conversations, I never take the initiative—although I make it quite easy for them to raise the subject of All-India politics and to express themselves freely and confidentially to me on the subject. I do not hide the fact that I am very much interested in the subject—but I confine my comment very largely to questions.

7. In conversation with Muslims, I find no dearth of questions to ask about "Pakistan". I often say that I would feel much happier in my mind on their account if I could be assured that they had taken into account the essential economic and financial problems of "Pakistan". Usually they become rather embarrassed when one asks if a number of very practical economic and financial matters have been worked out satisfactorily. Actually, I suspect that they have done practically no work on this aspect of things at all. I have no reason to believe that the conception of "Pakistan" has advanced beyond the stage of political wishful thinking. I realise that it has proved a very valuable bargaining counter—but I hope that Mr. Jinnah will compromise before Pakistan turns into a tiger that he is riding.

8. Some adequately equipped person might, with advantage, write a book on the "Economic consequences of Mr. Jinnah" on a famous parallel.

9. My present belief is that the problem of "Pakistan" represents the biggest (and, indeed, practically the only) hurdle standing in the way of the constitutional settlement of the Indian problem.

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I realise that the Congress is basically responsible for the growth of the Pakistan idea, by the way they have treated the Muslims—but equally do I believe that, unless the Pakistan idea is squashed (and some other means of satisfying the Muslims substituted for it), it is likely so to delay the implementing of independence for India that Anglo-Indian relations will suffer grievously.

I believe that a considerable amount of work will have to be done on the Muslims if they are to be weaned away from the Pakistan idea.

If it were your wish that I should pursue the matter here in Bengal, I believe that I might be able to influence a certain section of the Muslims here away from the Pakistan idea by discreet conversations in the course of the next six months or so—and I believe that I could do so without raising any ill feeling or running the risk of being accused of taking sides. I fully realise the risk of any of us being able to be accused of being partisan. Indeed, I stressed this in paragraph 18 of my letter of November 6th.

10. In particular—I believe that the idea of the possibility of a plebiscite amongst the Muslims of Bengal only (i.e. to the exclusion of the rest of the population of Bengal) should be debunked as quickly as possible. It cannot be defended on any democratic or other grounds that I can think of.

11. Also—I believe that if the Muslims could be got to realise that the inclusion of Greater Calcutta in "Pakistan" is a complete impossibility—then the idea of "Eastern Pakistan" would receive a great blow. The Muslims do not want a sylvan retreat. They must be made to realise that Calcutta is more than the capital city of a province—that it is an All-India city that happens to be in Bengal.

12. I don't think that I have made it clear in earlier letters that the conception of "Eastern Pakistan" held by Nazimuddin (and so, I imagine, by the Muslim League in Bengal) is not the standard idea of a Muslim State. He paints the picture of a wholly autonomous sovereign state with a bare Muslim majority of population, in which Muslims and Hindus would live in amity and share the responsibility for the business of Government (and all else) in approximate proportion to their numbers. He would expect the benefits to be derived from such a state to become so clear to the Hindus, after a relatively short time, that they would become as keen about its continuance as the Muslims—and, indeed, that contiguous areas (even with a Hindu majority) would knock at the door of "Eastern Pakistan" and ask to be allowed to throw in their lot with them.

13. As I have said, I believe that this fanciful conception has been arrived at without any real investigation of the prospective economic position of "Eastern Pakistan". Close objective examination of a problem is not a notable feature of Muslim thought in this Province.

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14. Nazimuddin's conception of "Eastern Pakistan" would seem to me to have all the disadvantages of a small State that would not be an economic unit —and to have none of the advantages of a National Home for the Muslims that seems to me to be the only tangible reason advanced publicly for its creation.

15. However, this conception is interesting because it seems to show that they are groping after a state in which Hindus and Muslims would live together in amity, rather than upon any belief that the interests of the two communities are irreconcilable. The basis of that community of interests can only be the general feeling in Bengal, shared by both Hindus and Muslims—(1) that Bengal is and always has been a region apart;—(2) that it has never had a "fair deal" from India;—(3) that All-India politics and administration are increasingly dominated by Bombay and Madras, and by the provinces nearer Delhi.

16. One can sum all this up, not unfairly I think, by saying that the Bengalis are suffering from "Centrophobia".

17. The point here is that, although Nazimuddin may continue to shout for Pakistan, his belief that he may get the Hindus to agree to the idea of an independent Eastern Indian State (in which the Muslims will have scarcely any effective majority) suggests that his support for Pakistan is a bargaining counter, and that what he is really after is a guarantee that a Hindu-ridden Centre shall not have any effective control over the welfare of the people of Bengal.

18. All this has relevance to the question whether there is either advantage to be gained or prospect of success in a definite attempt to argue the Muslims out of their demand for Pakistan and to provide them, as an alternative, with "safeguards" for what they really want. I would be grateful to have your views on this.

19. As you agreed to my discussing my letter to you of November 6th with the other Governors here recently, I am sending copies of this letter to the Governors of the U.P., Bihar, Orissa and Assam.

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War Cabinet W.M.(44) 171st Conclusions, Minute 6

L/P&J/8/520: f 61

Those present at this meeting held at 10 Downing Street, S.W.1, on 18 December 1944 at 5.30 pm were: Mr Churchill (in the Chair), Mr Attlee, Mr Eden, Sir John Anderson, Mr Ernest Bevin, Mr Oliver Lyttelton, Mr Herbert Morrison, Lord Woolton

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Also present during discussion of item 6 were: Viscount Simon, Viscount Cranborne, Mr Amery, Sir James Grigg, Sir Archibald Sinclair, Sir Stafford Cripps, Mr R. A. Butler, Lord Cherwell

INDIA

The Constitutional Position

The War Cabinet had before them a report (W.P. (44) 720)[1] by the India Committee on the Viceroy's proposals for a constitutional move set out in the enclosures to W.P. (44) 684.[2]

The Committee pointed out that these proposals were substantially identical to those put forward by the Viceroy before he assumed office in September 1943. They knew of no change in the Indian situation since then which would render them acceptable at the present time. The matter was now less urgent, since Sir Tej Sapru had convoked a meeting of prominent political personages in India and action must await the outcome of the deliberations of that body.

In these circumstances the Committee suggested that all that could be said to the Viceroy at this stage was that while H.M.G. noted the consensus of opinion to which he referred, they were of opinion that before any proposals on the lines which he had put forward gained currency, it was desirable that there should be a discussion with him here, and that the best time for such discussion would be when the outcome of Sir Tej Sapru's discussions was known.

In the meantime there would be advantage in a stocktaking by Ministers in London of the Indian position designed to set out—

(i) The precise commitments which we had entered into to India;
(ii) The practicability of a different approach to the solution of the Indian problem.

THE LORD PRESIDENT explained the considerations which had led the India Committee to their conclusions and recommended their report for acceptance by the War Cabinet.

The following points were made in discussion—

(*a*) THE LORD CHANCELLOR said that he could find no justification for the suggestions (which the Committee had repudiated) in the Viceroy's proposals, that there were pledges which we had failed to honour or contemplated dishonouring. The suggestion was made that it would be well to ask the Viceroy to explain what he had had in mind in making the references in question.

(*b*) THE SECRETARY OF STATE FOR INDIA explained the background of the recent resignation of the office holders and Committee of the Chamber of Princes.[3] Pressure to improve the level of administration in backward states, and apprehension of the effect on their independence of the application of the Indian economic plan, were contributing factors.

[1] No. 147. [2] No. 106. [3] [Note in original:] See W.P. (44) 708 [No. 143].

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After further discussion the War Cabinet—

(1) Approved the proposals in the report of the India Committee and invited the Deputy Prime Minister to circulate to the Committee a draft of the reply to be sent to the Viceroy;

(2) Agreed that, at the same time as the reply to the Viceroy in (1) was despatched, the Secretary of State for India should ask the Viceroy what he had had in mind in certain passages in his telegrams which seemed to suggest that there were pledges which we had failed to honour or did not intend to honour;

(3) Invited the India Committee to proceed with examination of a possible solution to the Indian problem on the lines proposed in their report.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/623: f 5

IMPORTANT INDIA OFFICE, *19 December 1944, 9.30 pm*

PRIVATE

1031. Your telegram 219–S.C.[1] dated December 7th. Prime Minister agrees to publication of Gandhi's letter of July 17th[2] but not repeat not of his reply.[3] It should simply to [*sic*] be stated quote the letter was duly acknowledged unquote.[4]

[1] No. 140. [2] Enclosure 5 to No. 20. [3] See No. 84.

[4] On 21 December, Sir E. Jenkins wrote to Mr Gandhi informing him that 'The Prime Minister agrees to the publication of your letter, and of the fact that it was duly acknowledged.' Wavell Papers, Official Correspondence: India, Oct. 1943–Dec. 1944, p. 448. On 18 June 1945, as he was about to leave for the Congress Working Committee meeting at Bombay which considered Lord Wavell's invitation to the Simla Conference, Mr Gandhi published the text of his letter to Mr Churchill as well as summarising his subsequent correspondence on it with Lord Wavell and Sir E. Jenkins.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/25

IMPORTANT NEW DELHI, *20 December 1944, 11.55 pm*

SECRET *Received: 21 December, 5.30 pm*

No. 2344–S. Resignation of Chancellor and connected matters. Only development is that on December 16th Bhopal wrote to me[1] enclosing copy of statement he was issuing to press. Statement appeared the day after I received his

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letter so he gave me no opportunity for comment. It refers to your reply to question in Parliament and says that Princes refrained "as agreed" from making public statement of reasons for their resignations because they felt that it might cause embarrassment (for your information there was no (repeat no) agreement on this subject here). Statement adds that Princes welcome assurance that Political Department letter of December 2nd was not intended to contain anything new and that they will on appropriate occasion when discussions are held indicate where changes have occurred and what led to the resignations. Events of past three or four years have caused grave anxiety and apprehension to Princes, big and small, and in view of their war services they cannot understand why they should receive "this treatment". Statement ends with assurances of support for the war effort and of co-operation to enable India to grow to her full stature.

2. Object of statement is not clear but Bhopal probably wishes to maintain newspaper interest in the incident. Newspapers still contain some speculation and comment.

3. I was to have paid private visit to Bhopal at end of December but have informed Nawab that visit would at present cause speculation and misunderstanding and that I have reluctantly decided to postpone it.

4. Copy of Bhopal's letter of December 16th and statement and of my letter to him about visit[2] are being sent by bag closing today.

[1] A copy of this letter is on L/P&S/13/982. [2] Not printed.

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War Cabinet

India Committee. Paper I (44) 6

L/PO/6/108b: f 305

NOTE BY THE CHAIRMAN

PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.1,
20 December 1944

My colleagues will remember that the War Cabinet (W.M. (44) 171st conclusions, Minute 6)[1] at their meeting on 18th December approved the proposals in the Report of the India Committee (W.P. (44) 720)[2] and invited me to circulate to the Committee a draft of the reply to be sent to the Viceroy.

[1] No. 152. [2] No. 147.

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2. I now circulate a draft for consideration and would propose to invite the Secretary of State for India to issue it if no criticisms have been received by 10 a.m. on Friday, 22nd December, 1944.

C.R.A.

Annex to No. 155

DRAFT TELEGRAM FROM SECRETARY OF STATE FOR INDIA TO VICEROY

War Cabinet have considered with every sympathy and desire to assist you the proposals for constitutional advance put forward in correspondence ending with your telegram 2132–S[3] of 21st November. These proposals, however, necessarily involve some substantial and difficult issues; and the War Cabinet have come to the conclusion that before proposals on these lines gain currency, it is very desirable that there should be a discussion with you here in London.

In their view the best time for such discussions will be when the outcome of Sir T. B. Sapru's discussions is known. They note that you are not disposed (your telegram 2250–S[4] of 6th December) to attach undue importance to Sapru or to the likelihood of his Committee producing substantial results. They think, however, that it is important to do nothing which would in any way interfere with such an initiative from the Indian side, and that it should be given a full run and have every opportunity to reach (or to fail to reach) conclusions before we consider the matter together.[5]

[3] No. 103. [4] No. 135.

[5] The text of this draft was sent by Mr Amery to Lord Wavell as tel. 29025 of 7.30 pm, 22 December. L/P&J/8/520: f 50.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *20 December 1944*

Many thanks for your letter of 7th December.[1] I agree in theory with much of what you say in your first eight paragraphs. But I am quite sure that in practice an attempt of the kind you suggest to work out a new basis for the India constitution, *as a first step*, would fail. It must be impossible at your end to appreciate the feeling here on the constitutional problem. The people who are interested in it are unreasonable and intolerant. Coupland's book,[2] which was a careful and scholarly study of the whole problem, was hardly noticed and is treated by nationalists with contempt. For 50 years and more we have told

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Indians that the British Parliamentary system was the form of democratic government best suited to India, and Indians at present think in terms of that system and of nothing else. It would be quite impossible by discussion to persuade them that some other system would be better for them; they would merely suspect us of some dark design and breach of faith. We shall not get them to change their minds, if ever, until they have had practical experience of government. I agree that a political government at the Centre would be difficult to manage, but until these people get a clear idea of the problem from the inside and are in a more realistic frame of mind, we shall get nowhere. That is the whole basis of my recommendations—that conferences and discussions will get us simply nowhere; and that practical participation in the Government, with all its dangers and difficulties, is the only hope of progress.

2. Jinnah has formally refused to co-operate with the Sapru Committee, and Sapru has announced that the Committee will use the material already available on the Muslim League case. The Committee will meet on 29th December in New Delhi.

3. According to a recent Intelligence report Devadas Gandhi is whipping up support for a campaign for the release of Congress detenus, and particularly the members of the Working Committee. He is believed to have received instructions on this subject from his father. The provinces have been releasing their detenus gradually and the number of persons detained without trial is now comparatively small. I am having the position reviewed at the end of the year and hope to send you some figures early in January.

4. There is nothing much new in the provincial field. Cunningham thinks his Government may be defeated during the Budget session and that there may be a demand for a general election. I have asked him to let me know whether he thinks a general election would produce a stable government. So far the policy has been to avoid general elections during the war, and if one were held in the North-West Frontier Province, other Provinces, particularly the Punjab, might wish to follow suit. In a letter[3] replying to one from me about his talk with Rajagopalachari, Twynam suggests that a distinction should be drawn between the more or less homogeneous Provinces such as his own and the Provinces in which elections might be an occasion for communal disturbances. Disturbances are of course not the only thing to be considered. I feel that general elections fought with communal feeling as it is now, would increase the political bitterness and make a settlement even more difficult.

5. I had a talk with Khare yesterday about South Africa. He agrees that we must take time, both to reply to South Africa on the position of the High Commissioner, which Shafa'at's blunder has so unfortunately brought into discussion; and to decide on our further action in the main dispute. He proposes

[1] No. 144. [2] See No. 48, note 3. [3] No. 150.

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to wait till January 10th, before bringing the latter before Council. I am seeing Deshmukh, High Commissioner-designate, today. Khare seems to be pleased with him, he has been reading up papers in his office for some time. I have not heard yet whether you thought anything of my suggestion[4] that South Africa might be induced to propose a conference.

6. In my last letter[5] I promised you a fuller account of Hyderabad. It is a curious and interesting mixture. The city—a very big one if you include Bolarum, Secunderabad, and various suburbs—seems cleaner and better laid out than the average provincial capital. There is a City Improvement Board, of which the Nizam's second son, Moazzam Jah, is Chairman, and it is obviously doing useful work. What goes on behind the façade, I do not know, but the general effect is pleasant enough.

I saw some of the military training which seemed on sound lines; but though the State contains 87% Hindus nearly all the soldiers are Muslims, many enlisted from outside the State. Major-General El-Edroos, one of the Arab soldiers employed by the Nizam, is keen and competent. The Prince of Berar is normally [nominally] Commander-in-Chief, but I doubt if he does very much.

The Osmania University is a fine conception, and when all the buildings are up, will provide for about 2,000 students in residence. The only building finished according to the permanent design is the Arts College. The architect, Zain Yar Jang, now promoted to be a Member of the Nizam's Council, has done very well, and I thought the college good both as a building and as a place in which to work. Zain Yar Jang explained to us that he had tried to combine the characteristics of the old Deccan architecture, both Hindu and Muslim, and I think this has been successfully done. The Muslim builders in the Deccan seem to have been influenced a good deal by their Hindu workmen, so the combination of styles is less incongruous than it might be in some parts of India.

Hyderabad has made a lot of money out of the war, and we were taken round quite a good industrial exhibition. The State publicity struck me as good; there are plenty of well produced pamphlets on various Government activities which would impress any casual visitor. I think it likely, however, that many, and perhaps most, of the goods are in the shop window. Grigson, the Indian Civil Service Member of the Nizam's Council, told Jenkins that the administration in the districts was improving. Apparently it was neglected for many years, but more money is being spent now outside Hyderabad itself.

7. It was on the personal side that the State gave me an uncomfortable feeling. Something like a ruling class exists, recruited partly from the old noble families and partly from the most successful members of the official class. I gather that the official class is gaining in influence and that the younger

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men do not venerate the Nizam as their elders did. The Nizam is himself the central figure. His Members of Council, except Grigson and possibly Chhatari, the President, are obviously afraid of him, and in his family circle he is a tyrant. The court etiquette is strict and formal, but the Nizam permits himself a good many eccentricities. He is very fond of group photographs and gives audible and not very polite instructions to the photographer. He constantly upsets seating arrangements at dinner parties, and interferes in other matters of detail. I had heard so much of his alleged slovenliness and decrepitude that I was rather agreeably surprised in these respects. He is crafty, but I doubt if he has much real ability, and it must be difficult to get any business done while he is at the head of affairs. The two sons, the Prince of Berar and Sahibzada Moazzam Jah, have been kept well under, and are unable to stand up to their father. The Nizam is only 58, but is generally regarded as a bad life. There is a great opportunity for an able and broad-minded ruler, but the Prince of Berar did not seem to me man enough to make any great changes without guidance.

The two Turkish princesses fit oddly into their surroundings. They come from an entirely different world, and I can hardly think that they find Hyderabad congenial. The Princess of Berar has taken a leading part in war work among women and seems to be generally liked. Princess Niloufer is also interested in her husband's work on City improvement and in other social matters.

The Nizam had made it very clear to me before my visit, through Chhatari and Lothian and otherwise, that he expected some concession in recognition of Hyderabad's war effort—the grant of a free port, the handing over of British territory, the relaxation of restrictions on the appointment of Members of Council, or something of that kind. I decided that I could not recommend to you any concessions of this kind, and when I had my interview with him he simply said that I knew what his demands were and that he would not refer to them again. Our relations during the visit were quite amicable, but the succession of formal entertainments on top of a lot of strenuous inspections was rather trying.

8. From Hyderabad we moved to Calcutta. On the morning of 14th December I inspected the Calcutta Light Horse, and later made my speech[6] to the Associated Chambers of Commerce. I enclose a printed copy though I suppose a good deal of it has already appeared in the home newspapers. The greater part of it is a review of the war and war administration, and of the progress made with post-war development. The political matter at the end is not new, but I tried to bring out my own conviction that Pakistan is a desperate remedy for an ill which is curable by other means; and that His Majesty's

[4] In tel. 258-S.C. of 8 December. L/PO/10/18. [5] No. 148.

[6] *Speeches by Earl Wavell. From 26th October 1943 to 21st March 1947.* (New Delhi, Governor-General's Press, 1948), pp. 47–64.

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Government have tried really hard to help India to a settlement and can accomplish little unless the parties here will get rid of their suspicion and make a real effort to co-operate. The speech had a bad press except in the British owned papers such as the *Statesman*, but this was to be expected. Comment was on well-worn party lines.

In the afternoon of the same day I visited the largest lac factory in Calcutta and an improvised factory at which jute tents are made in very large numbers.

9. On 15th December we flew to Imphal where I dubbed and decorated the four Generals who were given Knighthoods after the defeat of the Japanese in Assam and Arakan, and also presented a number of medals. There was a very good parade at which Mountbatten and Leese were present. I had obtained special permission from the King to dub Slim, as K.C.Bs. can normally be dubbed only by His Majesty in person. We flew back to Calcutta the same afternoon.

10. On 16th December we returned to New Delhi via Cawnpore where I opened a fine new hospital. The population of Cawnpore City has doubled since the war began, and is now, I believe, about 800,000. There has been practically no increase in the residential accommodation and there is terrible overcrowding. The new hospital was badly needed, and Hallett has taken a great interest in it. Its completion within fifteen months (it is a considerable work costing Rs. 21 lakhs) was a remarkable achievement with the present shortages of material and labour, and it was a great pity that Hallett, who had been ill, was forbidden by his doctors to attend the opening ceremony. His speech was read by Panna Lall, one of his Advisers, and Lady Hallett was present. In my reply I dealt with the requirements of public health and the need for a Nursing Service in India.

[Para. 11, thanking Mr Amery for a letter on *The Tiger Strikes*, omitted.]

12. I shall be interested to hear whom you propose to select to succeed Hope in Madras. As I have already told you, Madras is in many ways the easiest of the Presidency Governorships; it has a strong administration and the people are more advanced than those in most of the Provinces. On the other hand it has certain special food problems and an active Governor is needed. Hope's constant touring and intimate knowledge both of his officials and of the local notables have been most valuable, and I trust his successor will be as energetic.

[Para. 13, on a Ministry of Information mission to India, omitted.]

14. I am not sure what Barrington-Ward intends to do about posting a correspondent here. Most of the correspondents sent to India, both British and American, are second-rate people, and a good man from *The Times* has always been a stand-by. Both Inglis and Holburn had much experience outside

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India and understood how Governments work. They learnt quickly about Indian politics and could be relied upon to give a balanced view. They were also most discreet and did not misuse inside information. Since Wint refused Barrington-Ward's offer, one Cowley, who is on the staff of the *Statesman* here, has been carrying on, but he is hardly up to *The Times* standard, and I hope a permanent arrangement will be made before long, if Holburn is not coming back for some time. I am sure you will agree that it is important that we should have at least one really good British press correspondent here.

[Para. 15, on a condolence message for Sultan Ahmed, omitted.]

16. In paragraph 5 of your letter of 30th November,[7] in which you dealt with Shah's posting to Kabul, you said you would await any further comments I have to make on the general question of cypher facilities before writing again to the Foreign Office. I do not think I can say much more than I have already said. The leakages in Washington are most unfortunate, and have probably set the Foreign Office against Indians. But in our regular services Indians are employed in appointments of great responsibility and have proved themselves trustworthy. The Washington leakages seem to have been due to the vanity of a young officer of the Indian Army, with little previous experience of public affairs, who got mixed up with an undesirable Indian clique. The leakages here (and there have been none of any real importance as far as I know since I assumed charge) are seldom, if ever, due to the senior civil officials. My Honourable Colleagues are, I regret to say, very indiscreet, but most of them lack the official background and training. Officials like Bajpai, S. N. Roy, Bewoor, Shah, and Menon are, in dealing with secret matters, as reliable as their British colleagues. Even in a purely British organisation mistakes are made and indiscretions occur, and it is impossible to guarantee that a senior Indian official will never go wrong. On the other hand I do not think he is more likely to go wrong in this respect than a British official of similar standing.

17. Mackay saw me the other day about a possible visit of Indian industrialists to Australia. I think this quite a good idea and Mackay is discussing it further with the Department of Industries and Civil Supplies. He also suggested that we might send a small mission to Australia to study the road-making methods there. This has been taken up with the Planning and Development Department.

18. Alexander has given Auchinleck the latest information about the employment of Indian troops in Greece. As you suppose, they are used mainly in rôles in which they are unlikely to have to fight, but I gather that the reinforcements being sent to Athens include some Indians who may be directly involved; and Indian troops anywhere in Greece may have to fight in self-defence. The presence of Indian troops in Greece has been mentioned in the newspapers,

[7] No. 122.

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but so far there has been no adverse comment. I did not think it worthwhile to telegraph to you again, as the information received from Alexander confirmed that given you by the War Office. But I hope you will keep an eye on what is going on. I doubt if we can do much about it now, but the use of Indian troops except on the main fighting fronts is always likely to lead to violent attacks on the Government of India.

My very best wishes to you all for X'mas and for 1945.

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Mir Maqbool Mahmud to Mr Griffin

L/P&S/13/982: ff 172–4

PRIVATE COUNCIL HOUSE, NEW DELHI, *21 December 1944*

Dear Mr. Griffin,

I am desired to send you in confidence a copy of the circular which His Highness the Nawab Ruler of Bhopal has sent to the Members and Representative Members of the Chamber of Princes to apprise them in due course of the circumstances which led to the resignations of the Chancellor, the Pro-Chancellor and the members of the Standing Committee present in Delhi. This was considered necessary in response to various enquiries received from the States and the wild rumours in a section of the Press on the subject.

Yours sincerely,
MAQBOOL MAHMUD

Enclosure to No. 157

SECRET BHOPAL, *14 December 1944*

Your Highness,

It is my duty to inform you that the Chancellor, the Pro-Chancellor and all Members of the Standing Committee of the Chamber of Princes present in Delhi, whose names are appended[1] hereto, have tendered their resignations from their respective offices. Briefly stated, the following circumstances have led to this decision by them.

2. There have for some time past been present in the minds of the Princes in general gravest misgivings in regard to their Treaty position and other vital interests of their States. The Chancellor and the Standing Committee have communicated from time to time the views of the States and their general misgivings to the quarters concerned. The position was reviewed at the General Conference of Rulers and Representatives of States, which preceded

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the session of the Chamber of Princes held in October 1943, and the Princes then assembled in Delhi had drafted a reply which was intended to give expression to their grave apprehensions in the Joint Reply of the Princes to the Address delivered in the Chamber Session by Lord Linlithgow.[2] After the draft reply of the Princes had been approved and before it was delivered, the Princes were, at the request of the Hon'ble Sir Francis Wylie, invited to a meeting *in camera* at which Sir Francis was also present. He appealed to them to delete certain passages from the Joint Reply in view of the fact that the Viceroy was then retiring. Assurances were also given that the interests of the States in regard to matters then in view would receive the most sympathetic consideration. The Princes accordingly revised their Joint Reply but requested the then Chancellor to send the original draft reply to the Political Adviser so that it may remain on record. This was accordingly done.

3. The treatment meted out to individual States thereafter increased their apprehensions instead of relieving them. So much so that under instructions of the Standing Committee, the Crown Representative was approached[3] to receive a delegation on behalf of the Indian Princes in regard to certain urgent questions affecting them and their States. His Excellency readily acceded to our request and invited me first for a personal talk and thereafter received our Delegation in September 1944.[4] It was decided by the Standing Committee of the Chamber of Princes that, out of a list of points which were causing grave anxiety to the Princes, only a few urgent matters may be taken up at the first meeting. The brief of the States in regard to these matters was prepared and approved by the Committee of Ministers and the Standing Committee of the Chamber of Princes in the light of the suggestions received from the States. It carried the general support of the States, big and small. The points placed by the Delegation before His Excellency were summarised in a printed Memorandum[5] and a copy of this Memorandum was forwarded to His Excellency soon after the meetings of delegation with him. His Excellency gave a sympathetic and patient hearing to me personally and to the Delegation.

4. Your Highness is aware that the requests made by the Delegation on behalf of the States were, in our view, very mod[erate] and reasonable and only aimed at ensuring justice and fair play to the States in the difficult times ahead. No reply was received to these points till three days before the date fixed for the session of the Chamber of Princes. In the meantime, the Standing Committee had generally approved of the text of three Resolutions to be moved at the session of the Chamber of Princes on questions arising out of the meetings

[1] This appendix is not printed. For the Princes concerned see No. 127, note 1.

[2] *Proceedings of the Meetings of the Chamber of Princes held at New Delhi on the 14th and 15th October 1943* (New Delhi, Government of India Press, 1944), pp. 6–14.

[3] See Vol. IV, Chapter 6. [4] See No. 22, para. 4. [5] L/P&S/13/982: ff 270–83.

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of the Delegation with His Excellency the Crown Representative. One of these Resolutions urged that the Crown's relationship with the States and the Crown's powers in respect of the States cannot and should not be transferred to any third party or other authority without the consent of the States concerned. This Resolution had the support of all the States from the biggest to the smallest and the unanimous concurrence of the Standing Committee of the Chamber of Princes and the Committee of Ministers. On the 26th November 1944,[6] a letter was addressed to me by the Secretary to the Crown Department which I received in Bhopal on the 29th November, and brought with me to Delhi on the 1st December. This letter stated that "His Excellency considers that it would be undesirable at any time to ventilate in public the subject matter of the proposed Resolution with the very delicate issues which arise out of it, and more particularly now when the matter has already come under discussion between the Crown Representative and the Princes and the result of these discussions has not been received or will only just have been received by them. His Excellency hopes accordingly that Your Highness will decide not to move a Resolution on this subject".

5. I placed this letter before the Standing Committee at their first meeting on 2nd December but before any final conclusions could be arrived at, the letter dated 2nd December 1944[7] was received from the Secretary to the Crown Department which dealt with the points placed before His Excellency by the Princes' Delegation in September last. The Standing Committee gave these questions most careful consideration, and they finally came unanimously to the conclusion that the gradual deterioration of the position of the States and the disregard of their legitimate interests, particularly in the last few years, culminating in the views expressed in these two communications which, in their opinion, gravely affected the entire relationship of the Crown with the Princes and the vital interests of their States, and the rejection of almost all the vital points raised by the Princes' Delegation, left them no longer in a position to discharge their special responsibility as office-bearers of the Chamber of Princes, and that they could no longer effectively safeguard the interests of the States generally and thereby serve their Order and the Crown. They accordingly felt that they had been left no option, in these circumstances but to tender their resignations. In the letter[8] forwarding the resignations, His Excellency the Crown Representative was assured that this step would not in the slightest degree affect the determination of the States to continue doing their utmost for the successful prosecution of the war in every manner possible.

6. It is sometimes alleged by interested quarters that our insistence on the maintenance of our treaties is a serious obstacle in the way of India's progress. This is not the true position. The Indian Princes are not blind to the requirements of the time. I feel confident that if the real and true interests of their

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Motherland and of the States demand that there should be reasonable and fair adjustments of their treaties, the Indian Princes would be prepared to consider such proposals and even to make reasonable sacrifices if necessary in the interest of India as a whole. They however find [it] impossible to agree that the terms of their treaties can be altered arbitrarily by unilateral action without their free consent.

In regard to disputes which cannot be resolved by negotiation and mutual agreement we had recommended that recourse should be had as of right to an impartial Court of Arbitration particularly where the issues are justiciable or relate to fiscal, economic or financial matters, including the interpretation of Treaties and Engagements. We did not seek to restrict the discretion of the Crown Representative with regard to the acceptance or the rejection of the recommendations of any Courts of Arbitration so appointed. We merely asked that where agreement failed, the Crown Representative should, in justice and equity, have independent and impartial advice available to him before he gave a decision. This was an attitude which we felt would appeal to all fair-minded persons and parties. As Your Highness will notice this request is also rejected.

7. These developments were reported to a representative meeting of Princes held on the 4th December 1944. His Highness the Maharaja Scindia of Gwalior presided at this meeting. About 80 Princes were present. I told the meeting that I was very unhappy that this unfortunate development should have occurred at a time when the present Viceroy was to preside for the first time at the deliberations of the Chamber. This was particularly unfortunate as I felt from personal contacts that His Excellency was a friend of the States and desired to ensure justice to them. The meeting unanimously adopted the following Resolutions:—

I. This meeting of the Members and Representative Members of the Chamber of Princes present in Delhi unanimously endorses the views placed by the Chancellor and the Princes' Delegation, on behalf of the States, before His Excellency the Crown Representative in September 1944 and wholeheartedly approves of the action which those accredited representatives of the Princes were compelled to take in the discharge of their reponsibility.

(This Resolution was moved by His Highness the Maharaja of Kapurthala and seconded by His Highness the Nawab of Palanpur.)

II. This meeting requests all the office-bearers who have resigned to offer themselves for re-election, in the event of any bye-election being held to fill the offices of the Chancellor, Pro-Chancellor and the members of the Standing Committee, and unanimously appeals to all Members and

[6] No. 112. [7] Enclosure to No. 98 with amendments in No. 118. [8] No. 127.

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Representative Members of the Chamber to return them to their respective offices.

III. This meeting endorses the decision of the Standing Committee of the Chamber of Princes that until otherwise provided, the Special Committee consisting of the following Rulers be authorised to take such action as may be necessary from time to time to safeguard the interests of the States in general and to control the Chancellor's Secretariat and the Chamber funds:—

1. His Highness the Nawab Ruler of Bhopal (President).
2. His Highness the Maharaja Jam Sahib of Nawanagar (Vice-President).
3. His Highness the Maharaja Scindia of Gwalior.
4. His Highness the Maharaja Holkar of Indore.
5. His Highness the Maharaja of Bikaner.
6. His Highness the Maharaja of Patiala.
7. His Highness the Maharaj-Rana of Dholpur.
8. His Highness the Nawab of Rampur.

His Highness the Nawab of Bhopal was authorised to operate on the Chamber funds.

8. I enclose for Your Highness' perusal a copy of the speech[9] delivered by me while inaugurating the All-India States Conference on education, medical relief and post-war reconstruction.

Trusting this finds your Highness in the enjoyment of excellent health.

Yours sincerely,
HAMIDULLAH,
Nawab, Ruler of Bhopal

[9] Not printed.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/21

PRIVATE AND SECRET

INDIA OFFICE, *21 December 1944*
Received: 29 December

You will receive, before this reaches you, the Cabinet conclusion[1] on your proposals, which is in effect to invite you home to discuss the whole situation in the near future. The appropriate moment would seem to be when the Sapru Conference has succeeded or failed to come to some sort of conclusion. It is after all always possible that this conference, however weak its composition,

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might yet put forward some constructive suggestion which might be followed up with a better chance of success than if it emanated from Whitehall or even from Delhi.

2. What the Cabinet does, I think, realise is that we have got to face up to the whole position in the near future, and I think even Winston realises that we cannot simply stand pat and say nothing indefinitely. What I think we all feel is that before we consider, not to say endorse, the specific proposal you have put forward, we ought to give the whole subject a more fundamental reconsideration than we have ever since the 1935 Act failed to be put into effect. Meanwhile, though nothing was actually said about your interview with Jinnah[2] or the hint you dropped in your speech since, they would, I think, be happier if you refrained from pushing your particular solution at the moment, so as not to prejudge the situation in any way before we can discuss the whole field together. I am hoping myself to get away for the next ten days—in which case you may not get a letter next week—and to take the opportunity of clearing up my own thoughts at leisure. If that process reaches any more definite conclusions than I have so far indicated in my letters I will let you know.

3. I was naturally disappointed, as you and Srivastava will have been, that I was not allowed to make my statement on the shipment of food to India this morning before the House rose. But Leathers put in a very earnest plea as to the difficulties of his own position in view of every kind of new demand made for operations in the Pacific, adding that he hoped to be in a better position to know exactly where he stood in another two or three weeks. So the question is postponed again and I can only hope that in three weeks' time Leathers may see his way to scraping together the necessary shipping and enable me to get a Cabinet decision and an announcement as soon as the House meets, which it does on the 16th. I don't think it would do any harm if you sent me a telegram on the subject, say, during the first week of January.

4. I don't think I ever mentioned in one of my recent letters the interview I had with a Quaker deputation about sending Agatha Harrison out to "solve the deadlock by spiritual means" or words to that effect. These good people have a quite absurd idea of their own influence over Gandhi and of the effect which that influence could have in solving the constitutional problem. I am afraid I rather chaffed them, pointing out that if they took the trouble to read the correspondence between Gandhi and Jinnah they would see that the issue was not so much a spiritual one as an intellectual contest between two very sharp wits, each concerned in not giving away too much of a fundamental position. I also dwelt on all the missionaries, wives, fiancées, people urgently needed for war purposes, who had been waiting for years and really had a

[1] See No. 155 note 5. [2] See No. 138.

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better claim than Miss Harrison. Heath's last word to me was to express a hope that I did not regard the door as closed. I said, certainly not, but that it was very crowded and a long queue stretching away from it. I believe that while the deputation was interviewing me their main Committee was engaged in silent prayer hoping that my hard heart might be softened. Anyhow, I have saved you from Miss Harrison for the time being. I can only hope that the Quakers will not discover that that alternative spiritual influence, Mrs. Rikh, has somehow managed to get away in the gap between the various telegrams which have passed between us. All I can say, and I hope you will not shake your head too much over me, is that keeping Firoz in good heart is perhaps better than that Gandhi should have an additional dose of feminine adulation.

If the only alternative to Mrs. Rikh were Agatha Harrison, I should have no more hesitation in my choice than F.K.N. But as S. of S. pointed out the queue was long and Mrs. R. got out of turn.

W.

[Para. 5, on improving security arrangements in the Agent-General's office in Washington; para. 6, on employment for Dr. C. L. Katial; para. 7, on Indian interest in the Far East; para. 8, on the Medical Advisership; para. 9, on the situation on the western front; para. 10, on the Greek situation; and para. 11, on Captain Julian Amery and the members of his Albanian mission, omitted.]

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/520: f 51

IMPORTANT INDIA OFFICE, *22 December 1944, 7.15 pm*

SECRET

29026. Superintendent Series. My telegram No. 29025 dated 22nd Dec.[1] During discussion of your proposals it was remarked that certain passages in your communications embodying them seemed to suggest that there were pledges which H.M.G. had failed to honour or did not intend to honour [*there follow references to the enclosure to No. 19, para. 4, last sentence; No. 39; No. 41, para. 1; and No. 78, para. 3*]. It was not clear to the Cabinet precisely what was implied by these references and I was asked to enquire what you had in mind. I shall be glad to have your observations.

[1] See No. 155, note 5.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: f 299

IMPORTANT *22 December 1944, 7.15 pm*

PRIVATE AND SECRET

1042. Superintendent Series. The point about promises or pledges was raised by Lord Chancellor. I imagine your reply will be that you were referring to the often expressed general desire of H.M.G. that India should attain to complete self-government. See more particularly last sentence of August 1940[1] and preamble of Cripps declaration,[2] the expression of which would naturally be construed as an intention to help bringing about its fulfilment.

[1] Vol. I, Appendix I. [2] Vol. I, No. 456.

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War Cabinet

India Committee. Paper I (44) 7

L/PO/6/108b: ff 295–7

INDIA: THE CONSTITUTIONAL POSITION
COMMITMENTS UNDERTAKEN BY HIS MAJESTY'S GOVERNMENT

22 December 1944

With reference to paragraph 10 (i) of the Report of the India Committee to the War Cabinet (W.P. (44) 720),[1] I circulate a collection of the principal statements which embody the commitments undertaken by His Majesty's Government in regard to Indian constitutional reform. Appendix I consists of statements made up to the time of Sir Stafford Cripps' visit to India in March 1942. Appendix II contains the text of the Cripps Offer and the statements subsequent to, and arising from, it.

L. S. A.

Appendix I to No. 161

EXTRACT FROM KING EDWARD'S PROCLAMATION—1908

"It is now fifty years since Queen Victoria, my beloved mother, and my August Predecessor on the throne of these realms, for divers weighty reasons, with the advice and consent of Parliament, took upon herself the government

[1] No. 147.

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of the territories theretofore administered by the East India Company. I deem this a fitting anniversary on which to greet the Princes and Peoples of India, in commemoration of the exalted task then solemnly undertaken. Half a century is but a brief span in your long annals, yet this half-century that ends to-day will stand amid the floods of your historic ages, a far-shining landmark. The proclamation of the direct supremacy of the Crown sealed the unity of Indian Government and opened a new era. The journey was arduous, and the advance may have sometimes seemed slow; but the incorporation of many strangely diversified communities, and of some three hundred millions of the human race, under British guidance and control has proceeded steadfastly and without pause. We survey our labours of the past half-century with clear gaze and good conscience.

"Steps are being continuously taken towards obliterating distinctions of race as the test for access to posts of public authority and power. In this path I confidently expect and intend the progress henceforward to be steadfast and sure, as education spreads, experience ripens, and the lessons of responsibility are well-learned by the keen intelligence and apt capabilities of India.

"From the first, the principle of representative institutions began to be gradually introduced, and the time has come when, in the judgment of my Viceroy and Governor-General and others of my counsellors, that principle may be prudently extended. Important classes among you, representing ideas that have been fostered and encouraged by British rule, claim equality of citizenship, and a greater share in legislation and government. The politic satisfaction of such a claim will strengthen, not impair, existing authority and power. Administration will be all the more efficient, if the officers who conduct it have greater opportunities of regular contact with those whom it affects, and with those who influence and reflect common opinion about it."

The Montagu Declaration

Extract from Announcement made by Mr. Montagu, Secretary of State for India, in the House of Commons on 20th August, 1917.

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should

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accept the Viceroy's (Lord Chelmsford's) invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of Local Governments, and to receive with him the suggestions of representative bodies and others.

"I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility."

Extract from Statement issued by the Viceroy (Lord Irwin) on 1st November, 1929.

The goal of British policy was stated in the declaration of August 1917 (what is known as the "Montagu declaration") to be that of providing for "the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire." As I recently pointed out, my own Instrument of Instructions from the King-Emperor expressly states that it is His Majesty's will and pleasure that the plans laid by Parliament in 1919 should be the means by which British India may attain its due place among His Dominions. Ministers of the Crown, moreover, have more than once publicly declared that it is the desire of the British Government that India should, in the fullness of time, take her place in the Empire in equal partnership with the Dominions. But, in view of the doubts which have been expressed both in Great Britain and India regarding the interpretation to be placed on the intentions of the British Government in enacting the Statute of 1919, I am authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion status.

"In the full realisation of this policy, it is evidently important that the Indian States should be afforded an opportunity of finding their place, and even if we cannot at present exactly foresee on what lines this development may be shaped, it is from every point of view desirable that whatever can be done should be done to ensure that action taken now is not inconsistent with the attainment of the ultimate purpose which those, whether in British India or the States, who look forward to some unity of All-India have in view.

Extract from the Speech by the Secretary of State in the House of Commons, 6th February, 1935. (2nd Reading of Government of India Bill.)

Our policy, as will be seen from this Bill and the instructions as to the manner in which these provisions which will accompany it are to be applied,

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is to do all that we can by sympathetic help and co-operation to enable India to overcome these difficulties and ultimately to take her place among the fully self-governing members of the British Commonwealth of Nations.

Extracts from the Instrument of Instructions to the Governor-General, 8th March, 1937.

VII. It is Our will and pleasure that Our Governor-General shall use all endeavour consistent with the fulfilment of his responsibilities to Us and to Our Parliament for the welfare of Our Indian subjects, that the administration of the matters committed to the charge of Our Governor-General in Council may be conducted in harmony with the wishes of Our said subjects as expressed by their representatives in the Indian Legislature so far as the same shall appear to him to be just and reasonable; and shall so order the administration of his government as to further the policy of the Act for its conversion into a Federation of all India.

XV. And generally Our Governor-General shall do all that in him lies to maintain standards of good administration; to promote all measures making for moral, social and economic welfare and tending to fit all classes of the population to take their due share in public life; and to secure amongst all classes and creeds co-operation, goodwill and mutual respect for religious beliefs and sentiments; and he shall further have regard to this Instruction in the exercise of the powers by law conferred upon him in relation to matters whether of legislation or of executive government.

Extract from the Instrument of Instructions to Governors, 8th March, 1937.

XX. And generally Our Governor shall do all that in him lies to maintain standards of good administration; to promote all measures making for moral, social and economic welfare and tending to fit all classes of the population to take their due share in the public life and government of the Province; and to secure amongst all classes and creeds co-operation, goodwill and mutual respect for religious beliefs and sentiments; and he shall further have regard to this Instruction in the exercise of the powers by law conferred upon him in relation to matters whether of legislation or of executive government.

Extract from the Statement[2] *issued by the Governor-General on 8th August, 1940.*

[*There follows the text of Vol. I, Appendix I beginning with the words* 'there is still in certain quarters' *in the first sentence of para. 5 and continuing until the end.*]

[2] [Note in original:] This statement has never been declared to be either abrogated or modified in any way.

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Appendix II to No. 161

THE CRIPPS OFFER AND GOVERNMENT STATEMENTS AFTER ITS WITHDRAWAL.

Draft Declaration for Discussion with Indian Leaders, published 30th March, 1942.

[*There follows the text of Vol. I, No. 456.*]

Sir Stafford Cripps, House of Commons, 28th April, 1942.

"I stated when I left India that, in default of acceptance, the draft Declaration must be considered as withdrawn. But this does not and cannot close the door to that closer co-operation which we desire to see in the defence of India or to the solution of the problem of self-government after the war. It means that His Majesty's Government have done their best to make their contribution to the solution of the problem both in the substance of the draft Declaration and in the method of its presentation to the Indian people."

Secretary of State, House of Commons, 30th July, 1942.

"The purpose of His Majesty's Government with regard to the constitutional future of India was made clear in the draft Declaration which my right hon. and learned Friend the Lord Privy Seal was authorised to offer on behalf of His Majesty's Government. It proved impossible to secure the support of the principal elements of India's national life for the specific proposals in that Declaration, and the draft was accordingly withdrawn. Nevertheless, His Majesty's Government stand firmly by the broad intention of their offer."

Prime Minister, House of Commons, 10th September, 1942.

"The broad principles of the declaration made by His Majesty's Government which formed the basis of the mission of the Lord Privy Seal to India, must be taken as representing the settled policy of the British Crown and Parliament. These principles stand in their full scope and integrity. No one can add anything to them, and no one can take anything away."

Secretary of State, House of Commons, 11th September, 1942.

"It was not a bargaining policy which my right hon. and learned Friend took with him; it was a considered policy, and it is the only policy under which a final and permanent solution of the Indian problem can be achieved. Within that broad framework we are only too glad to welcome any practical proposals that are brought forward with any reasonable hope of agreement among the main parties in India."

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Secretary of State, House of Commons, 8th October, 1942.

"That declaration offered to India complete and unqualified freedom, the same freedom as is enjoyed by the Dominions, or for that matter by ourselves, the same unfettered control over her future destiny within the partnership of the British Commonwealth—or without that partnership if she preferred to forgo its advantages—at the earliest possible moment after the war under a constitution arrived at by free agreement and subject to fulfilment under treaty arrangements of our honourable obligations. What more could have been offered? That offer stands. What more can we offer to-day?

Lord Chancellor, House of Lords, 20th October, 1942.

"I do say it is essential for the great Indian Parties and their leaders to make some effort to get together to help to produce a scheme which would be better than the one we have proposed. Our own proposal is not cancelled. It is there in its general outline to be worked at and, it may be, to be improved."

Mr. Attlee, House of Commons, 30th March, 1943.

"I do not think we ought even to encourage Indians to think that this is a decision that can be made by someone else. The responsibility is theirs. Our first offer to them was made in dark days. It may have been suggested that it was made because the days were dark, but we have reaffirmed that offer when our position is vastly improved and I suggest that it still holds the field as the only practicable proposal that has been put up whereby all sections of Indian opinion will be able to act together and frame their own constitution."

Lord Wavell, Indian Legislature, 17th February, 1944.

"Nearly two years have passed since the Cripps draft Declaration was made public, but it stands forth to-day as the solemn pledge of His Majesty's Government that India shall have full control of her own destiny among the nations of the Commonwealth and of the world."

Secretary of State, House of Commons, 18th April, 1944.

". . . those very generous proposals (the Cripps proposals), proposals which, I might add, still stand, in what the Prime Minister described as their whole scope and integrity and are indeed still, as the Viceroy reminded the Indian Assembly only a few weeks ago, an essential part of the policy of the British Government."

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 35

IMPORTANT NEW DELHI, *24 December 1944, 4.55 pm*
SECRET *Received: 24 December, 2.30 pm*

2370–S. Superintendent series. Your telegram No. 29026[1] December 22nd. I have re-read passages in my memorandum and telegrams to which you refer. They are not intended to impute and cannot in my opinion be read as imputing bad faith to His Majesty's Government. They deal with belief now almost universal among educated Indians that we have made promises which we do not intend to fulfil. This belief and (? the) intense suspicion caused by it are the greatest obstacles to progress.

2. I have assumed that last sentence of August offer and preamble to Cripps declaration express the intentions of His Majesty's Government. The former refers to "the attainment by India of that full [free] and equal partnership in British Commonwealth which remains the proclaimed and accepted goal of Imperial Crown and British Parliament". The latter states that "the object is creation of an Indian Union which shall constitute a dominion associated with the United Kingdom and other dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs". It has been re-affirmed more than once in Parliament that the principles of the Cripps declaration stand.

3. The Indian critic argues that if these are our (? intention)s we are in honour bound to take active steps to give effect to them, and that as no such steps are being taken we are guilty of bad faith. Much of this criticism is unreasonable, and I said so clearly in my Calcutta speech.[2] But even reasonable Indians feel that we ought to do more than we are doing, and make a move of our own.

4. The passage in paragraph No. 4 of my memorandum[3] on attitude of senior members of Indian Civil Service brings out the effect on the services of persistent suggestions that His Majesty's Government say one thing and mean another. The other (? passage)s you cite refer directly to Indian criticism mentioned above.

5. I hope this explanation will suffice. The belief that we do not mean business is so widespread that it is a major factor in situation, and no survey can avoid mentioning it.

[1] No. 159. [2] See No. 156, note 6. [3] Enclosure to No. 19.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 34

IMMEDIATE NEW DELHI, *25 December 1944, 4.40 pm*
SECRET *Received: 25 December, 10.15 pm*

2374–S. Superintendent Series. Your telegram No. 29025[1] December 22nd. I will telegraph shortly my views on the best time for the proposed visit. Meanwhile I shall be grateful (?if you will) if possible let (?me omitted) see record of the discussion in the India Committee.

[1] See No. 155, note 5.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/520: f 32

IMMEDIATE NEW DELHI, *27 December 1944, 2.30 pm*
SECRET *Received: 27 December, 1.15 pm*

2387–S. Superintendent series. My telegram No. 2374–S[1] of December 25th. I am sure that the sooner I come home and place point of view before the Cabinet the better. It would be grave mistake to postpone consultation in London on account of Sapru's committee.

2. Until His Majesty's Government has decided line to take we shall miss every opportunity favourable for the move. We missed opportunity between the breakdown of Gandhi-Jinnah negotiations and Sapru's announcement of his committee. We shall always be late if we only begin consultation when opportunity for action has occurred.

3. I am convinced Sapru's committee will produce no proposals of value especially in view of Jinnah's hostility. It may however save face by playing to Hindu Nationalist gallery and making communal situation worse not better.

4. I should like to put my point of view to the Cabinet as early as possible. I realise that the Cabinet has many pre-occupations but it will have just as many in two or three months' time and the longer we drift on in India the worse will be the post-war situation.

5. I therefore propose that I should come home about January 25th and stay about a fortnight. I cannot come earlier as I am visiting Nepal from January 14th to January 19th and cannot break this engagement.

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6. I presume that Hope as senior Presidency Governor would be appointed to act as Governor General in my absence. Will you please let me know as soon as possible whether my proposal about dates is approved as I have certain engagements to postpone or cancel.

[1] No. 163.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/21

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
27 December 1944

Many thanks for your letter of 14th December 1944.[1] I have been careful not to commit myself with Jinnah or anyone else. It would be quite impossible for me to shut myself up and refuse to see any of the Indian politicians or to try to find out what they are thinking. Whenever one of them sees me there is a certain amount of journalistic speculation, but Jinnah, with my permission, published my letter to him in which I said I had no special business to discuss but would like to renew my acquaintance with him and have a general talk, and he certainly knew that I was not committing myself in any way. I am sure it is right that I should continue to see political personalities as opportunity offers, so as to have a chance to size them up. I think you can trust me not to give away anything.

2. I did not mention in my last letter[2] the Chamber of Princes incident, but during the week I reported developments by telegram[3] and sent you by the last bag a copy of Bhopal's letter of 16th December[4] to me and of the statement he issued to the press. I am sorry I had to postpone my private visit to Bhopal but it would have been embarrassing to be at close quarters with him for four or five days, and I am sure the decision was right. On 20th December Mirza Ismail saw Wylie, probably under instructions from Bhopal, and suggested that I should send for the Nawab and settle the dispute. I do not intend to make any move at present. The Princes may themselves move for the reconstitution of the Standing Committee and for the election of a Chancellor and Pro-Chancellor. If they decide to move, their intention is to restore the *status quo*. It will be best for me to do nothing for a week or two, perhaps up to January 15th, and if the Princes have not moved by then, I will consult you as to our best course. The Chamber of Princes has its uses, although some of the more important Princes regard its creation as a mistake, and I think we shall have to get it going again fairly soon.

[1] No. 149. [2] No. 156. [3] No. 154. [4] L/P&S/13/982.

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Thank you for your letter of 14th December[5] about Wylie's note[6] on reconstruction in the States. I see no reason to think that there was any leakage from the Political Department. Bhopal has sent the Political Department[7] the official account of the incident he has circulated to the Princes. This deals only with the grievances of which we were aware. The Political Department will no doubt send a copy to the India Office.

3. The King of Nepal's incognito visit to India seems to have been a great success, and His Majesty has sent me a most appreciative message. His Highness the Maharaja also wrote Caroe a very cordial letter, and I think there is no doubt that the King enjoyed his trip and that the arrangements made for him were quite satisfactory. Caroe and Hutton paid a short visit to Nepal during December and seem to have had a very interesting time. I am meeting the Maharaja in the Terai on the 14th January and shall stay with him for five or six days.

4. I am sure you are right in thinking that post-war reconstruction to be effective requires strong Central control, stronger than we have now, or than we are likely to have according to present ideas on the future constitution. I believe we can get over the immediate difficulty by collecting provincial plans, and influencing them by attaching conditions to the Central grants which the Provinces will require. Promising plans have already been prepared by the Governments of Bombay and the United Provinces. I see little hope at present of any arrangement under which the existing Government would commit the Indian Government of the future on the relations between the Centre and the Provinces. This is an example of the difficulties of our present position. Until the future of India is more clearly known, attempts to consolidate and extend the Central Government's powers will be regarded as anti-Pakistan and therefore anti-Muslim; and we are driven into various makeshifts.

5. The appointment of Rowlands as Finance Member had a bad press but on the whole less bad than I expected. For reasons of which you are aware, I do not think Mudaliar expected to get the appointment himself. I am glad you have spoken to Catto about Raisman's future, about which Raisman is still anxious. I shall be interested to hear what is decided about the discussion on the sterling balances. If the discussion takes place in the spring, after the Budget session here, my present idea is that Raisman should lead our delegation, being made an additional Member of Council, if necessary. I have not consulted Rowlands about this, but Raisman knows more about the sterling balances and their history than anyone else, and I understand that his non-official colleagues thought he put up a good case for India at Bretton Woods.

6. I note that you think a visit from you to India would be useful. The trouble, as you say yourself, is the "reasonable pretext" for such a visit. As long as the political situation remains what it is, a visit from the Secretary of

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State will be regarded as a prelude to some new solution, and nobody will believe statements to the contrary. The best time for a visit would be after, and not before progress of some kind is in sight.

7. Mudaliar raised with me the other day the embarrassment caused by unco-ordinated public speaking by Members of Council. Some of my colleagues are indiscreet, particularly Ambedkar, Jogendra Singh and Firoz Khan Noon. Mudaliar thinks that no Member should make a speech likely to embarrass any of his colleagues or the Government of India as a whole. I quite agree, but it is not easy to lay down any definite rule. I doubt if Members of Council speak nearly enough, and any rule restricting them or requiring formal references to me would be undesirable. A Government like this, in which the Members have widely differing political backgrounds, is never wholly united on communal matters, and rather more latitude has to be allowed than in a homogeneous government or even a Coalition formed to carry out an agreed programme. I propose to mention the matter in Council and to suggest that before making any important speech a Member should consult any of his colleagues likely to be interested, and, if necessary, mention to me the line he proposes to take. This will leave discretion to Members, but will draw attention to the need for closer co-ordination.

[Para. 8, on India's capacity as a base for military operations; and para. 9, on the staff of the Indian Supply Mission in Washington, omitted.]

10. Khare, who has gone away for Christmas, has completed his proposals for Council on the lesser of the two South African cases—that concerning Shafa'at Ahmad Khan's indiscretion. He has not yet let me have his summary on the bigger case about the trade agreement and economic sanctions. Both cases will come up in Council some time in January. Shafa'at Ahmad Khan's time is fortunately running out, and Deshmukh is due to relieve him at the end of January. Deshmukh came to see me the other day and I think he will do quite well.

11. I am sending you by this bag an interesting pamphlet by Panikkar on Imperial Organisation. This has been prepared for the Commonwealth Relations Conference[8] and contains a lot of good sense. I have just received sixteen other pamphlets, including a second one by Panikkar on the Strategic Problems of the Indian Ocean. Caroe doubtless intends to send you the complete set, and I will see that he does so.

[Para. 12, on extensions for some senior Govt. of India officials; and para. 13, acknowledging a note on monorails, omitted.]

[5] See No. 149, note 5. [6] L/P&S/13/1833: ff 135–8. [7] No. 157.

[8] The third in a series of unofficial conferences which was to meet in London from 17 February–3 March 1945. The delegates for these conferences were selected by the Institutes of International Affairs in the various Commonwealth countries.

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Mr Amery to Field Marshal Viscount Wavell

L/P&S/13/981: ff 20–2

SECRET INDIA OFFICE, *28 December 1944*

My dear Wavell,

Thank you for your letter No. 681/2[1] of November 28th about the small States.

I am interested to see that you put the economic aspect of the problem in the forefront of your argument. I have been reading Wylie's note[2] on post-war development as it affects the States, as well as the minutes of the discussion to which you refer; and I am inclined to agree with you that economic and fiscal necessities will inevitably do much to break down the existing political isolation of the States. This however is a factor which will operate upon all States, not only upon the smaller ones. In fact I am disposed to think that it will be the larger States which will be the first to feel the impact. In this connection I notice that you link up the fiscal measures described in your paragraph 3—about which I shall no doubt hear more if you decide to proceed with them—and my allusion to Rampur as a State which might be considered sufficiently large to be left out of any plans for dealing with the smaller States. In taking any such measures you would presumably begin by negotiating with the larger States—say those, twenty-one in all, in the first two categories of the table enclosed with your letter—and expect the great mass of smaller ones to fall into line with whatever was agreed. Thus the extent to which the existing independence of the small States was affected by economic exigencies would largely depend upon what was accepted by the larger States, whose administrative autonomy does not stand in need of the drastic modification which we contemplate for their smaller brethren.

I was particularly interested to see that your Political Department has suggested that your Government should take over the working of the Kathiawar ports. This is certainly a revolutionary plan, though the advantages are obvious.

I am sorry that paragraphs 9 and 10 of my letter of October 26th[3] did not explain with sufficient clearness what I meant by "some degree of absorption" in a larger State or in a British Indian Province. Briefly, what I had in mind was that the Ruler of the smaller unit should normally retain his existing status, but that he should formally delegate to a larger unit so much of his powers as would enable the two units to be treated as a single entity for the purpose of accession to a future Indian Union. At the same time he would agree to employ the departmental heads of his larger partner in a capacity which, though

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ostensibly advisory, would be fortified by safeguards to secure that their advice would be implemented to the utmost extent that circumstances permitted. Agreements might also be concluded on such matters as the admission of his subjects to the public services and educational institutions of the Province or State as the case might be.

The above will have shown you that I am reluctant to agree with your conclusion that any definite move should be postponed until the constitutional position becomes clearer with the end of the war. At the same time I doubt whether we can achieve any useful progress towards the solution of this most intractable problem by further correspondence, and feel that the time has come for personal discussion. I would therefore suggest that you should send Wylie home at the earliest opportunity to explain to us more fully what is in your mind, and to try and reach some provisional conclusion on the points at issue between us. If this suggestion commends itself to you I shall be glad if you will let me know by telegram when we may expect him to arrive.[4]

Yours ever,

L. S. AMERY

[1] No. 117. [2] L/P&S/13/1833: ff 135–8. [3] No. 71.

[4] In tel. 98-S of 13 January 1945, Lord Wavell told Mr Amery he would prefer to wait until March 1945 before sending Sir F. Wylie to London as an immediate visit would be connected in India with the 'crisis' over the Chamber of Princes. Mr Amery agreed to this postponement in his tel. 2509 to Lord Wavell of 31 January. L/P&S/13/981: ff 16, 11.

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War Cabinet

India Committee. Paper I (44) 10

L/PO/6/108b: f 285

PRACTICABILITY OF A DIFFERENT APPROACH TO THE SOLUTION OF THE INDIAN PROBLEM

NOTE BY THE CHAIRMAN

PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.1,
28 December 1944

My colleagues will remember that in our report of the 11th December (W.P. (44) 720)[1] to the War Cabinet on the Viceroy's constitutional proposals we expressed the view that, pending the report of Sir Tej Sapru's Committee, there would be advantage in examination of the practicability of a different

[1] No. 147.

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approach to the solution of the Indian problem, and that there would be a considerable advantage if a technical and non-committal examination could be made of possible alternatives to the application of the British constitutional system to the Central government in the entirely different circumstances of India. The War Cabinet at their meeting on 18th December (W.M. (44) 171st Conclusions)[2] invited us to proceed with examination of a possible solution on the lines proposed in our report.

There are, of course, in the field already at least two alternative possibilities —the course recommended by the Simon Commission,[3] and the suggestions put forward by Professor Coupland in Part 3 of his book *The Future of India*.[4]

My colleagues will, I think, agree that, given the possibility of a visit to this country by the Viceroy in the early future, there would be advantage in our starting without delay to consider what possibilities of an alternative scheme there may be. I would welcome any suggestions, with a view to their being discussed or being worked up for discussion; and, given the time factor under which we are working, I would be grateful if my colleagues would be good enough to let me know by, say noon on Thursday, 4th January, what, if any, suggestion they would themselves like to make.

I would only add that I am impressed by the necessity of taking the problem of the Indian States into account in any alternative scheme that may be devised, and that I think my colleagues will agree that the reactions of any change of approach in the case of India on the problem of Burma will also have to be borne in mind.

C.R.A.

[2] No. 152. [3] See No. 137, note 8. [4] See No. 48, note 3.

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Mr Amery to Mr Attlee

L/PO/6/108b: f 288

INDIA OFFICE, *28 December 1944*

My dear Clem,

I enclose a copy of a telegram[1] that I have had from the Viceroy in which he asks if he could see a record of the discussions on the Indian constitutional problem in the India Committee. In view of the fact that the War Cabinet have invited him to come here for discussion of that matter, I think it is reasonable that he should be given some indication of how our minds are working. My first thought was that the most convenient course, if permissible, would

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be to let him have a copy of the report by the India Committee (W.P. (44) 720);[2] but there are one or two passages in that document which perhaps would be hardly suitable for his eye as this juncture. I am inclined to think that there would perhaps be less objection to furnishing him with a copy of the full minute of item 2 of the Committee meeting on the 6th December (I (44) Fourth Meeting),[3] which was circulated by the Secretary on the 7th December, with the omission of the last sentence of Section I(f) and of Sections V and VI, or at any rate the omission of the last sentence of Section V.

This is an unusual suggestion; but this minute is entirely objective and does not attribute to any particular member any particular point of criticism. If it were permissible I think it would be a very helpful paper to the Viceroy and calculated to introduce him into discussions with the India Committee with full understanding of what has passed.

But if it is held to be not permissible to let him have the full minute, perhaps he might be sent a summary of the principal points raised in discussion.

Yours ever,

L. S. AMERY

[1] No. 163. [2] No. 147. [3] No. 137.

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Mr Attlee to Mr Amery

L/PO/6/108b: f 284

GREAT GEORGE STREET, S.W.1, *28 December 1944*

My dear Leo,

Monteath brought me Wavell's telegram[1] and your letter[2] to me.

I am quite certain that it would be wrong to send the Viceroy the minutes, the Report or even a summary of the discussions of the India Committee. Cabinet Committees only exist to serve the Cabinet and to assist that body to arrive at decisions. As you are aware, even the composition of Cabinet Committees is as a rule not communicated to Parliament. The reason, of course, is the individual responsibility of Ministers for their Departments and the collective responsibility of the Cabinet for policy. The Viceroy may properly be given an indication of how the collective mind of the Cabinet is working, but it would, in my view, be wrong to inform him of the line taken by individual members or even of the India Committee, which is a collection of certain Ministers.

[1] No. 163. [2] No. 168.

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The making of this request is, I fear, only another example of the disadvantage of having a Viceroy with no political experience.

Yours ever,
CLEM

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Minute by Sir D. Monteath

L/PO/6/108b: f 283

29 December 1944

Secretary of State.
This is Mr. Attlee's considered[1] reply to your letter supporting the Viceroy's request to be informed of the trend of the discussion of his proposals in the India Committee. No doubt the doctrine expounded by Mr. Attlee is strictly correct, but I am not at all sure that it is wise, or expedient, to adhere to the strict letter of the law—if that is correctly stated—in the present case, for anything that appears to the Viceroy to be an attempt to hold him at arms length in a matter in which he is vitally concerned whichever way the decision goes, is not likely to make for a better atmosphere when he does enter into personal discussion with the Committee; it is not indicative of the co-operation between the two centres of interest concerned that the situation seems to call for.

Nor am I at all sure that Mr. Attlee's doctrine is unassailable; so far as concerns precedents in the contrary sense the draft report of the Palestine Committee was communicated to Cornwallis at Bagdad and Killearn at Cairo, though they were hardly so directly concerned in the matter under discussion by that Committee as the Viceroy is in the discussion of future policy in India. Moreover, though the Viceroy can hardly be said, as such, to be entitled to know the inner workings of the mind of the Cabinet or of a Cabinet Committee in regard even to policy in India, he is, as a Privy Councillor, eligible to participate in Cabinet confidences. Most Viceroys, of course, are Privy Councillors of long standing before appointment; but there must have been some good reason for taking special steps to make Lord Wavell a Privy Councillor on selection to be Viceroy. Finally, if he is to be invited to come home to join in discussion with a Cabinet Committee (which circumstance will inevitably disclose to him the composition of the India Committee and the views held by individual members), it seems a little pedantic to refuse to let him know how the views of the Committee are developing before he actually meets them face to face.

Despite the exception made in respect of the Palestine Committee, there may be good enough reasons against letting Lord Wavell have even an edited

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version of the minute of the India Committee, but you may, for the above reasons, wish to press the alternative suggestion that he should be given a summary of the points raised in the discussions recorded in the minutes. Perhaps you would like to take up the point again with Mr. Attlee and the Prime Minister when the question of the date of the Viceroy's visit is discussed, possibly on Monday?

D.T.M.

[1] Sir D. Monteath had himself taken round to Mr Attlee a copy of No. 168. Mr Attlee's immediate reaction was very much along the lines of No. 169, but Sir D. Monteath had asked him not to give a reply off-hand. L/P&J/8/520: f 27.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/520: ff 24–6

IMMEDIATE INDIA OFFICE, *29 December 1944, 12.30 am*

29345. Superintendent Series. Your telegram 27th December 2387–S.[1] I will reply as soon as possible about dates, I hope early next week, but cannot give a definite reply till I have consulted Prime Minister and those of my colleagues directly concerned.

2. In the meantime I should be glad if you could consider further question of acting Governor-General in your absence. Under the provisions of the Amending Act passed in October, we have completely free hand and are not tied to automatic appointment of senior Presidency Governor. Appointment would require approval by His Majesty and having regard to circumstances of which he as well as you and I are aware, there might be criticism in that quarter of selection of Hope. Moreover, if your absence should prove to be for longer than you contemplate and particularly as it would, I suppose, coincide with Session of Central Legislature, would it not be better to recommend Colville who is, after all, the senior Privy Councillor in India? Question who would replace him in Bombay for period in question is a little difficult. I understand that dormant commission is held by Twynam, though we are not necessarily tied to that in the circumstances of an arranged absence. If, however, that seemed the best arrangement, I suppose it would be possible to use Bourne to deputise for him in Central Provinces on this occasion as well as later in the year as arranged.

[1] No. 164.

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Field Marshal Viscount Wavell to Sir S. Cripps (via India Office)

Telegram, L/P&J/8/520: f 19

IMMEDIATE NEW DELHI, *30 December 1944, 5.55 pm*
PRIVATE *Received: 30 December, 3.30 pm*
SECRET

No. 2412–S. Following personal for Sir Stafford Cripps from Viceroy. I see no objection to delivering your letter[1] to Sapru. But have you considered the possibility that he will let it be known that he is in correspondence with a member of the Cabinet. I think Sapru can be relied on not to publish the text of a private and personal letter, but last summer he disclosed to the Press information about similar correspondence with me. From my point of view your letter is sensible and useful. Reactions at your end are for you to consider. I am not delivering letter until I hear from you again.

[1] Enclosure to No. 177.

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Minute by Mr Churchill

L/PO/6/108b: f 282

MOST SECRET *1 January 1945*

Prime Minister's Personal Minute: Serial No. M. 1/5

Secretary of State for India

It is almost certain that the last week in January and the first three weeks in February will be occupied by the Supreme War Conference, when I and other important Ministers will be out of the country. It is therefore impossible for the Viceroy's visit to take place before the end of February. You should however bring before the Cabinet the question whether he should come home at all at this juncture. I expect he is going to make trouble and stage a scene for resignation.

W.S.C.

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Field Marshal Viscount Wavell to Mr Casey

R/3/2/54: ff 27–8

SECRET THE VICEROY'S HOUSE, NEW DELHI, *1 January 1945*

No. 592/14.

My dear Casey,

Many thanks for your letter of 17th December[1] about the political situation and Pakistan. I agree that there is little constructive thinking about politics. The suggestions put to me by politicians are usually that we should take some isolated step, such as the release of the Working Committee, with no idea of what the next move should be; or that we should immediately re-establish ministerial Government in the Provinces now under Section 93, without apparently securing the co-operation of the parties first. It is clear that without British help the Indians cannot do much for themselves. At present they are stuck.

2. Pakistan, or rather the communal suspicion represented by it, is the main obstacle to constructive thinking. The Muslim League will not agree to perpetual Hindu domination through a strong central Government. The bulk of the Hindus—both Mahasabha and Congress—do not see why the Muslims should get more than their fair share on a population basis. The minorities have no desire to be crushed by one or other of the big communities. Pakistan is the extreme expression of Muslim suspicions and fears, which are real and to some extent justified.

3. I do not believe that Pakistan will work. It creates new minority problems quite as bad as those we have now, and the Pakistan State or States would be economically unsound. On the other hand, like all emotional ideas that have not been properly thought out, it thrives on opposition. Some of the abler Muslims may regard it is [as] a bargaining counter, but for the mass of the Muslim League it is a real possibility and has a very strong sentimental appeal. We cannot openly denounce Pakistan until we have something attractive to offer in its place. In the Punjab, Sikandar Hayat Khan and, I am told, Fazl-i-Husain before him, saw that something could be made of local patriotism and the national feeling that exists in a Province with a common language and a way of life of its own. Their attempt to align political parties on economic and not on communal differences was in part successful, and is being kept up by Khizr Hayat Khan. It is clear that you have the same kind of feeling in Bengal though it is less highly developed. The answer may be to exploit this local patriotism, but it could be done only by leaders of strong character and great

[1] No. 151.

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determination, for the religious and social pressures in Indian politics are still very strong. On a long view neither Bengal nor the Punjab seems to have anything to gain by separation, even if separation were economically sound. Both have narrow Muslim majorities, which might in course of time get narrower still. In both the Muslims can, if they try, dominate the Legislature and the Government. Separation gives them nothing new (except freedom from the Centre), but saddles them with acute minority problems which may make orderly Government impossible. The driving force of Pakistan comes from the Provinces in which the Muslims are in a minority, and not from the prospective Pakistan itself. Freedom from Central control may sound attractive, but it might lead to economic subjection far worse than anything the Muslims fear now.

4. Until we have something to offer in place of Pakistan, I do not think you should risk being represented as openly hostile to it; but I see no harm whatever in your asking your Muslim visitors sympathetically how they propose to deal with some of the obvious difficulties, and whether there is not some solution short of partition. The more we can get educated Muslims to think about all this, the better. They cannot really expect to carve out their new States on a purely Muslim plebiscite, nor, if they think it out, can they expect to take over Calcutta as a Muslim capital, or make an economic success of the rural areas which really are Muslim or predominantly so.

5. I am sending a copy of this letter to Hallett, Rutherford, Lewis, and Clow, since you sent them copies of your letter.

All best wishes for 1945 and I hope you will continue with equal success the good work you did in 1944.

Yours sincerely,
WAVELL

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Mr Amery to Mr Attlee

L/PO/6/108b: f 281

MOST SECRET INDIA OFFICE, *1 January 1945*

My dear Clem,

After our conversation this afternoon I received a minute[1] from the Prime Minister, of which I attach a copy, which I think you ought to see before you speak to him about the date of the Viceroy's visit.

I was not aware that this conference would be happening in February and it certainly provides a strong reason for postponing the Viceroy's coming here, and I should think it would suit the India Committee better if he came in

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March, as by that time we might have broken the back of the Burma question and cleared our minds further about India.

I am rather reluctant to have a discussion on this subject in the Cabinet, and if you can convince Winston that it is desirable to bring the Viceroy home some time in March I shall be very glad.

Yours ever,
L. S. AMERY

[1] No. 173.

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Mr Amery to Sir S. Cripps

L/P&J/8/520: f 15

INDIA OFFICE, *2 January 1945*

My dear Cripps,
I understand that you would like my views on the Viceroy's message to you[1] about your letter to Sapru.

I think the Viceroy is right in suggesting that Sapru will very possibly let it be known that he is in touch with you or with a member of the Cabinet and this, I think, would be unfortunate. The India Committee were opposed to the Viceroy coming here until Sapru's Committee had reached or failed to reach some conclusion for the reason that we should not appear to be interfering with or short-circuiting the first attempt by Indians for a long time to reach some conclusions on their own. Though I don't suggest that it would be of comparable importance, I think that if it became known that Sapru was in correspondence with you it might to some extent create the sort of impression the Committee were anxious to avoid.

If you feel that there is force in these objections, I think there is a possible way of avoiding them. You might, I suggest, ask the Viceroy not to deliver the letter, but ask him if he would agree to suggest informally to Sapru, though not as coming from you, the points made in your letter. Sapru has asked the Government of India to make information on a number of matters available for his Committee. To this end he has been put in touch with Menon the Reforms Commissioner who could no doubt be instructed to make your points orally to Sapru. I cannot however judge whether this would be appropriate as I do not know what was in the letter, but as the Viceroy has no objection to it being delivered I expect he would agree to its contents being passed on informally in the way I suggest.

Yours sincerely,
L. S. AMERY

[1] No. 172.

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Sir S. Cripps to Mr Amery

L/P&J/8/520: ff 13–14

MINISTRY OF AIRCRAFT PRODUCTION, MILLBANK, S.W.1,
2 January 1945

My dear Amery,
I attach a copy of my letter to Sapru.

It seems to me quite harmless and as we all want this Committee to succeed however much we may think it unlikely I cannot see any reason for the letter not being delivered. Suppose—which is most unlikely—it were actually published, what harm could it do. It would only indicate that I was hopeful of a solution of the Indian problem!

If you think it better to have the contents of it conveyed verbally to Sapru I have no objection to that course. Will you please return copy as it is the only one I have.[1]

Yours sincerely,
R. STAFFORD CRIPPS

Enclosure to No. 177[2]

Sir S. Cripps to Sir Tej Bahadur Sapru

PERSONAL AND PRIVATE MINISTRY OF AIRCRAFT PRODUCTION,
18 December 1944

As you must realise, I have been extremely interested in the prospect of the Committee that you have set up to make a contribution to the solution of the Indian problem, and I should like to send you a line of congratulation and of hope.

The task before your committee is one of immense difficulty but I believe that an impartial examination of the situation may yield most helpful results.

I believe that one of the reasons why the problem has been so difficult to solve is because most people have approached it from too narrow a point of view. There has been an assumption that our parliamentary system is the best form of democracy for India, whereas in fact that system is not really applicable to so large a country or to a country where the majorities and minorities are racial and religious rather than purely political or economic.

We must, I believe, get away from this conception and rather bend our minds to the working out of some method of democracy which will suit the peculiar circumstances of India.

There are only two such examples in the world so far as I know. The Swiss Cantonal system and the Soviet system with its Soviet of Nationalities as a sort

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of "second house". The Canadian expedient relies upon the arbitration of an outside power—the British Parliament.

It may be that none of these ideas would be suitable, in which case we must devise others, but I am certain that our particular form of majority rule by Parliament cannot fit the circumstances of India, though it might suit some of the provinces.

If there is anything that I can do to assist you in any way please let me know. I am sure the Viceroy would facilitate your sending me letters by the quickest route if you felt that was desirable.

I do hope most earnestly that your Committee will be most successful and I send you all my best wishes.

STAFFORD CRIPPS

[1] Mr Amery minuted on the letter: 'He w[oul]d like it sent & I agreed. Draft tel. to V[iceroy]'. Mr Amery's approval to the transmission of Sir S. Cripps' letter was sent in tel. 12 of 3 January. L/P&J/8/520: f 12.

[2] The copy of this Enclosure on the file was evidently made in the India Office private office.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 1 *2 January 1945*

Many thanks for you letter of 21st December.[1] We are exchanging telegrams on my political proposals and I need say no more about them now.

2. The Sapru Committee met on 29th December. I enclose newspaper cuttings[2] which show how it got on. Some Sub-Committees were formed and a questionnaire was drafted and approved. The Committee dispersed on 31st December and will not apparently meet again until the end of March. In the meantime the Sub-Committees are to get on with their work. The Committee had quite a good press, but no one really expects anything to come of it. The questionnaire is not at all bad, but the value of the replies it will elicit is doubtful; and the digestion of the replies and the drafting of a report will be a formidable task. Ambedkar, who had rather rashly promised to co-operate with the Committee, ran out about the middle of December. He told Sapru that he thought when he agreed to co-operate that the Committee would be an impartial academic body. He found that in fact several of the members were deeply committed one side or the other in the communal and minorities

[1] No. 158. [2] Not printed.

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controversies, and that he saw no useful purpose in sending representatives of the Depressed Classes to serve as members. Sapru, after saying that the Committee had no time to argue on matters of this kind, proceeded to argue at some length and released the correspondence between himself and Ambedkar to the Press.

3. The Christmas holidays are usually the occasion for party activity of some kind. This year the Mahasabha met at Bilaspur with Dr. Shyama Prasad Mookerjee in the chair, and published on Boxing Day the outline of a new Constitution for India. The Mahasabha's idea is "to give a measure of autonomy to the Provinces" with residuary powers at the Centre. This is exactly what the Muslim League do not want, so the session has not been helpful to communal unity. Even the Hindu nationalist press saw the absurdity of a claim put forward during the session that the Mahasabha is not a communal organisation.

M. N. Roy has also been working on a Constitution which was published by the Radical Democratic Party on 29th December.[3] This contemplates a Federal union of autonomous provinces, but gives the right to provinces to come in or stay out as they please, provided that the same type of constitution is adopted by all. M. N. Roy would apparently abolish the States out of hand, which is not practical politics.

I am sending cuttings which will give you a general idea both of the Mahasabha and of the Roy Constitution.

4. The South African problem will be discussed in Council on 10th January. I told you in paragraph 10 of my letter of 27th December[4] that Khare was ready with his proposals on the smaller of the two cases but was still thinking about the main case, which concerns the Trade Agreement and the possibility of restricting or stopping trade between South Africa and India. He has now sent me his summary, which recommends that we should give notice of termination of the Trade Agreement and then impose such restrictions on trade as we can. I shall see Khare and other Members before the discussion in Council. I doubt if Smuts is in a position to stop the three Natal ordinances or something very like them becoming law. The Pegging Act has to be repealed before assent can be given to the Residential Property Ordinance, and it might be possible to get this ordinance altered to some extent. Smuts told the Indian delegation which waited on him on 28th November that he thought the other two ordinances, which deal with land acquisition and town planning, really necessary and that they would be assented to, possibly after certain technical amendments had been made in them. The Indians, unwisely in my opinion, rejected Smuts' suggestion that the Broome Commission should continue its work and that a small Standing Committee of Indians should be appointed to maintain liaison between the Indian community and the Union Government. Negotiations in the Union have thus come to a standstill and there is little we

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can do from here to influence events. My colleagues will doubtless make much of Smuts' admission that the Residential Property Ordinance contravenes the Pretoria Agreement and of his assertion that the Pretoria Agreement is dead. I take it that Smuts' point was that the Pretoria Agreement was subject to the passing by the Natal Council of suitable legislation, and that once the Natal Council decided to the contrary, the parties to the agreement were relieved of their obligations under it. This is a reasonable line to take, and I am convinced that Smuts has done his best and is perhaps the best friend the Indians have in the Union. The Indian community's best hope was, and is, to back Smuts and the more liberal-minded Union politicians such as Shepstone, and our policy should be directed to making them do this. Khare's belief that the termination of the Trade Agreement, followed by some very limited restrictions on trade, will frighten South Africa into giving Indians the franchise or having the ordinances revised seems to be quite wrong. The Indian community, led, I fear, by Shafa'at, have alienated their friends and are in a very weak position. I hope you may let me know before 10th January what you think of the Conference idea I put to you in a recent telegram.

5. We are having some trouble over the large stocks of rice in Bengal. As you know, the Bengal Government bought as much as they could of the last *Aman* crop and have probably begun 1945 with stocks of about 500,000 tons and anything up to another 200,000 tons due to come in. They bought at prices considerably higher than those now ruling, and are reluctant to sell at a loss. They also have a considerable storage problem and there is a serious risk of deterioration. The Bengal Government suggested that we should relieve them of about 25,000 tons which we should guarantee to replace about next April. The Food Department do not like the idea of a ton for ton guarantee, and it is clear that the real problem is financial. Stocks of any food grain must be turned over quickly, and the Bengal Government ought to be issuing their rice and replacing it all the time. Srivastava, who is going to Calcutta, will try to reach a settlement with the Bengal Government within the next few days. An arrangement under which the Central Government shoulder a reasonable share of the loss incurred by the Bengal Government on their trade in food over an agreed period will probably be the answer.

Hill recently sent Jenkins a paper by Barley of I.C.I. and others on a short-term food plan for India. The paper was interesting but not quite so original as the authors supposed. It contemplates the provision of very large quantities of artificial fertilisers, and the establishment of an agricultural organisation employing in all anything up to 30,000 people. Hill asked for advice on the best way of getting this paper into circulation. Jenkins has told him with my

3 A copy of the Radical Democratic Party's draft *Constitution of India* is on L/P&J/8/513.
4 No. 165.

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approval that it had better come out as a private contribution by Hill (who will probably write a foreword to it) and some of his friends to India's post-war planning. If he placed it before the India Office or the Departments here for approval, he would only get a lot of criticisms and circulation would be delayed. It is better to publish the paper as an entirely non-official effort and leave it at that.

[Para. 6, on the siting of an ammonia factory, omitted.]

7. Dalal is coming up against a good many obstacles to progress. He finds, as we all do, that the Central Departments are slow, and that it is difficult to get replies even to simple questions. I doubt if much can be done to speed things up. We are very short of experienced administrative staff and most of the senior men have too much to do. Many of them are either tired out or in need of a change of work, but we have no replacements.

Dalal is particularly concerned about the effect of the "safeguard" sections of the Constitution Act (Sections 113, 114 and 116) on post-war planning. He believes that new industrial development should, so far as possible, be Indian—that is to say, financed and controlled by Indians. But as the law stands, we cannot discriminate against a British company and Dalal is not sure how to proceed. He may ask to visit the U.K. in the Spring; but if his difficulty is a real one, I am not sure that it can be solved by mere discussions between him and prominent British businessmen. The whole problem of the part British business should play in the post-war development of India will need very careful examination before we decide what line to take. Dalal had hoped to connect his visit with the visit proposed for Raisman on the problem of the sterling balances. But this is now off and Dalal would, if necessary, have to go by himself.

[Para. 8, on the report of a committee enquiring into congestion in Cawnpore, omitted.]

9. In paragraph 12 of my letter of 12th December[5] I told you that I had taken up with Mountbatten the possibility of securing a statement from Wheeler about the Indian Army. Wheeler made a very satisfactory statement on 18th December which should be useful. I enclose the relevant newspaper cutting.[6]

10. I have been considering how we should celebrate the defeat of Germany and shall be grateful if you will let me know what kind of celebrations His Majesty's Government contemplate. Auchinleck was not originally in favour of any celebrations on a big scale, as he thought they might give the impression that the war was practically over, and might divert attention from the need for an increasing effort against Japan. I told him that in my view it would be

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a mistake in this country to pass over the defeat of the greatest military organisation the world has seen without the best celebrations we can devise in existing conditions. Naturally we cannot transport troops for long distances merely to attend parades, nor can we go in for the traditional illuminations and feeding of the poor on a peace-time scale, but it should be possible to put up quite a good show here and at the Provincial capitals, and I think an attempt should be made. The Government of Bombay, presumably with Colville's approval, have suggested to the War Department that a Royal Proclamation should be read on the steps of the Town Hall in Bombay and at suitable places in all the chief towns of the Province. I am doubtful about this as it would be very difficult to draft a Proclamation which would not give the impression that the war was over, and that His Majesty's Government were free to consider the Indian political problem.

11. I have sent you separately a representation[7] from the Bengal Ministers about Palestine. I suppose you will deal with it as you did with the representation from Sind.[8] There is a very genuine feeling about Palestine among the Indian Muslims and I have a good deal of sympathy for them.

[Para. 12, on the possibility of publishing some of the papers prepared for a Study Group headed by Sir Olaf Caroe; para. 13, on the appointment of a successor to Sir A. Rowlands as Viceroy's Adviser on War Administration; para. 14, on a dispute between Sind and Khairpur over the Sukkur Barrage; para. 15, on the work of the Indian representatives at the Civil Aviation Conference; para. 16, on the Watumull Foundation; and para. 17, on a meeting between Lord Wavell and Mr Basil Dean, omitted.]

18. I said in my letter of 20th December[9] that I would review the position about persons detained without trial at the end of the year and let you have some figures. I enclose a statement which shows how quickly the numbers in detention have come down in all Provinces. On the 1st November only about 2,000 Congressmen were detained without trial, and the number must be even smaller now. The Governors review individual cases regularly and the policy of gradual releases has worked well. We must however be somewhere near the irreducible minimum. The number of persons detained without trial other than Congressmen is still rather over 3,000, most of them being terrorists in Bengal and Hurs in Sind. The statement shows that the total has risen progressively since September 1943 and a decrease seems unlikely. The Hurs have been active again in Sind and I suppose this will mean more detentions. Considering the size of India's population, the attitude of the Congress to the war, and the seriousness of the 1942 disturbances, I do not think the figures are at all bad.

5 No. 148. 6 A copy is on L/I/1/1035. 7 and 8 L/P&S/12/3356.
9 No. 156, para. 3.

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I also send a second statement showing the number of Congressmen undergoing sentences of imprisonment. There has been a great decrease since 1st September 1943, but the number—nearly 10,000—is still considerable. Convicted prisoners are however in a different class from those detained without trial and it is unlikely that any of these people is imprisoned without very good reason.

You have material of the same kind, which is sent officially by the Home Department, but I have not before seen a statement showing the progress by Provinces.

19. Mudie wished to take immediately in Council proposals for recruitment to the I.C.S. and I.P. The Home Department know, through Harris,[10] your general views for the British element at least; but the Council summary made some new proposals, and I told Mudie that he must consult the India Office before we had any discussion. Constitutionally, the matter is entirely for you, and I do not think we should put to Council for advice departmental proposals which you might be unable to accept. If you want advice from Council, it would be quite proper to put to them the heads of an agreed scheme and ask for comments.

20. The National Defence Council meets here on 8th, 9th and 10th January; and we are going to the Nepal Terai on 14th.

[10] Mr R. M. J. Harris visited India at the end of 1944 to explain and discuss the India Office's proposals for re-opening recruitment to the I.C.S. and I.P. On 8 January 1945, Mr Conran Smith sent Mr Field a letter giving the G. of I., Home Department's comments on the proposals. L/S&G/7/262: ff 236–50.

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Annex I to No. 178

L/P&J/8/667: f 133

Statistics of persons in detention (A) in connection with Congress Movement and (B) for other reasons.

PROVINCE	1st Sep. 1943			1st Jan. 1944		1st Sep. 1944		1st Oct. 1944		1st Nov. 1944	
	A Congress	B Others	Security prisoners released "recently"	A Congress	B Others	A Congress	B Others	A Congress	B Others	A Congress	B Others
Madras	602	54	102	502	55	288	27	286	24	273	26
Bombay	1989	55	2932	1382	55	290	33	272	29	242	26
Bengal	93	1400	873	69	1266	53	1228	54	1237	55	1245
United Provinces	2673	127	716	1234	127	617	105	589	91	587	94
Punjab	375	169	119	282	209	79	28	79	28	74	24
Bihar	413	46	20	452	44	271	53	269	50	283	56
Central Provinces & Berar	854	Nil	2128	438	Nil	136	Nil	136	Nil	135	Nil
Assam	312	Nil	12	208	Nil	165	Nil	162	Nil	155	Nil
N.W.F.P.	155	41	341	119	33	44	17	42	16	42	4
Orissa	436	2	5	371	2	127	Nil	129	Nil	136	Nil
Sind	48	781	140	62	893	26	1629	27	1707	27	1787
TOTAL	7950	2675	7388	5119	2684	2096	3120	2045	3182	2009	3262

Annex II to No. 178

L/P&J/8/667: f 134

Statistics of persons undergoing sentences of imprisonment in connection with the Congress Movement.

PROVINCE	1st Sep. 1943	1st Jan. 1944	1st Sep. 1944	1st Oct. 1944	1st Nov. 1944
Madras	1458	1151	744	709	606
Bombay	1208	790	552	483	429
Bengal	144	64	275	252	253
United Provinces	5997	4540	3668	3452	3438
Punjab	432	175	61	61	49
Bihar	6001	5300	4230	4127	4112
Central Provinces & Berar	1265	890	534	503	450
Assam	476	333	149	159	114
N.W.F.P.	1241	127	27	28	25
Orissa	743	490	481	466	456
Sind	106	54	11	11	11
TOTAL	19071	13914	10712	10251	9943

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War Cabinet

India Committee. Paper I (45) 3

L/PO/6/108b: f 280

Visit of Nehru's Sister and Nieces to U.S.A.

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *3 January 1945*

At the request of the Prime Minister I circulate herewith to the Committee a letter drawing his attention to the presence and the undesirable activities in the United States of Mrs. Pandit, sister of Jawaharlal Nehru, and also of her two daughters.

Early in 1943, in view, partly, of the strain in the family circle caused by the long and serious illness of their father, permission was sought of the Government of India for the two girls (aged 20 and 17) to proceed to America to continue their education at Wellesley College, Massachusetts, where, as was ascertained later, facilities for their admission had been obtained by the influence of Mme. Chiang Kai-shek. They arrived in U.S.A. direct from India in July 1943. The decision to grant them passports was taken by the Government of India. As soon as I heard of it I recognised the possibility that they might be made a centre of anti-British agitation in the U.S.A. and I telegraphed to the Viceroy in the hope of stopping their journey. But it was then too late as they had already left India. The Viceroy told me that full consideration had been given to the risks attending their visit to America, but he and his advisers had reached the conclusion that the harm two young girls were likely to cause by their presence in the United States would probably cause less embarrassment than adverse publicity on the theme that the Government of India made war on schoolgirls. Although I was not entirely convinced, and although the girls have not kept free from political activities in the States, the reports which have reached me have not been such as to suggest that the consequences of their presence in America have been seriously prejudicial to British interests.

The question of a visit to America by Mrs. Pandit (whose husband died in the spring of 1944) was first raised last April, when both the Ambassador at Washington and the Indian Agent-General advised against granting her facilities. It arose again in July, when she applied for passports in order to visit her daughters. The Government of India consulted me in the matter and said that they saw no sufficient reason for withholding permission, even though they recognised that she would be likely to engage in lecturing and other activities inimical to our own publicity policy in the States. The matter was referred to

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Washington. Lord Halifax replied that the Indian Agent-General was in favour of allowing Mrs. Pandit to come and that he on the whole supported this view, feeling that, despite the disadvantage likely to follow from the visit, a refusal might create a worse impression in view of the fact that she is a widow purporting to visit her two young daughters in college. This view was shared by the officer attached to the British Information Service[s] in Washington who is chiefly responsible for presenting the British case on India to the American public. In face of this consensus of advice by the authorities in India and Washington I decided to agree to the issue of passport facilities to Mrs. Pandit. She left India at the beginning of December travelling to the U.S.A. direct. While in America I understand that she will attend a Conference of the Institute of Pacific Relations with other Indians invited by the Institute. A United Kingdom delegation sent by the Royal Institute of International Affairs will also attend this conference.

I might add that an effort is being made by certain quarters in this country to get Mrs. Pandit to visit England on her return journey to India. She is a British subject and cannot formally be prevented from coming here; but I have taken steps to ensure that the appropriate authorities in Washington do what they can to discourage her from visiting England on the ground of the substantial difficulties she would experience in getting a passage from England to India.

L.S.A.

Enclosure to No. 179

COPY OF LETTER FROM PRIVATE SECRETARY TO THE MINISTER OF INFORMATION TO THE PRIME MINISTER'S PRIVATE SECRETARY, DATED 19TH DECEMBER 1944

Mr. Bracken would like to draw the Prime Minister's attention to the following extract from our American News Summary of Sunday, 17th December. It is a summary of a report which appeared in the *New York Herald Tribune:*

"*Nehru's sister visits the U.S.* and says things are quiet in India 'but it is a sullen silence'; says that Wavell's request that Congress should withdraw its August 1942 resolution before he would hold a conference with Gandhi was impossible as the British prevent meetings and most Congress leaders are in prison."

When Mr. Bracken was in the United States last year he observed that the activity of Nehru's nieces in America was giving rise to publicity highly unfavourable to Britain. On Mr. Bracken's return to London last year he was informed by Mr. Amery that the decision to allow Nehru's nieces to go to America had been taken by the Government of India. Mr. Amery wrote "The Viceroy told me that he had of course considered the possibility of their becoming a source of anti-British agitation in America, but that he felt the

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disadvantages of this were not so great as the disadvantages which would result from refusing them passport facilities."

Now Nehru's sister has been allowed to join her daughters and it is of this development that Mr. Bracken feels the Prime Minister should be aware.

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Minute by Sir D. Monteath

L/P&J/8/520: ff 5–6

3 January 1945

Secretary of State,

I do not know what advantage you may have gained from the discussion yesterday of your paper[1] for the India Committee. Some, at any rate, of the points raised by Mr. Patrick seem to indicate questions of practical significance to which it would be advisable to have an answer ready; but I should like to put to you three or four questions of more general import.

(*a*) The proposal to sever the existing chain of responsibility of the Governor General of British India through the Secretary of State to Parliament is, in essence, Sir T. B. Sapru's suggestion, the proposition and rejection of which at the beginning of 1942, provoked the developments leading up to the Cripps Mission. It might be well to recognise this in your memorandum or at any rate be prepared for such "accusation".

(*b*) Your proposal goes further than Lord Wavell's proposal, which does not look likely to receive a cordial reception from the India Committee; for he does not propose to cancel the subordination of himself and his Council to the Secretary of State and Parliament. I recognise that your proposal is not to have effect till after the termination of hostilities, whereas his is to have effect as soon as the political leaders can be induced to participate. In one respect your proposal seems more conservative than his because he contemplates bringing leaders of political parties into the Executive Council as soon as they are willing, whereas your proposal, as I understand it, is that the Governor General should stick to non-party persons for the members of his Council. But it is to be apprehended that if your plan were put into effect, it would be only a very short time before the present non-responsible type of Executive Councillor were squeezed out by persons with party affiliations. With that development your proposal becomes more "whole-hog" than Lord Wavell's, and it is a little awkward for the Secretary of State to be in that position without the Viceroy's knowledge.

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(*c*) Granted the over-riding importance of the psychological purpose that your plan aims at, it is important to be quite sure that the severance of subordination to Parliament, on which the psychological effect depends, would be in fact genuine and complete; otherwise the result of holding out promise of it would be disastrous and H.M.G. would be open to a charge of bad faith very difficult to resist. Having regard to the position of the Crown Representative, who is still to be amenable to particular instructions from the Secretary of State, I am not at all sure that this severance of the Governor General's subordination can, in fact, be complete. It seems to me that there is a grave danger that both in connection with the use of British forces in support of the Princes' treaty rights (and purely Indian forces would not serve the purpose in many cases) and also in respect of supply for the Crown Representative, there will have to be maintained a power in the hands of the Secretary of State—whether or not often used, to require the Governor General to meet the needs of the Crown Representative.

(*d*) This increasing distinction between the Governor General of British India and the Crown Representative, resulting from the fulfilment of your proposition, seems to carry with it the risk of deepening and perpetuating the division between British India and Indian India. Is there not a danger that if, for example, to solve one part at any rate of the dilemma suggested in (*c*), H.M.G. undertook to find from British revenues the supply required by the Crown Representative, which at present he draws from the general revenues of India, it would be an almost inevitable consequence that the two appointments should be held by different persons, as has happened in South Africa? Once that development has taken place the prospects of unity between the two "parts" of India seem to be even more remote. (The essential difficulty of the Indian problem is, as has often been stated, to break down the artificial unity imposed by British rule, and out of the pieces, build up another unity.)

(*e*) I am assuming that by some form of agreement with the Governor-General in Council, it will be possible to safeguard Parliament's concern for British forces in India without in that respect continuing the subordination of the Governor-General in Council. I do not see how it can be done except by the Governor-General in Council voluntarily agreeing to acquiesce in that degree of subordination.

D.T.M.

[1] Sir D. Monteath was presumably referring to an India Office discussion of a draft of No. 184.

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Mr Attlee to Mr Amery

L/PO/6/108b: f 275

MOST SECRET GREAT GEORGE STREET, S.W.1, *4 January 1945*

My dear Leo,

Thank you for your letter of the 1st January[1] enclosing a copy of the Prime Minister's minute about the Viceroy's visit. I shall certainly have a word with Winston about the matter.

Yours ever,
CLEM

[1] No. 175.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *4 January 1945*
Received: 12 January

I had a very pleasant week off over Christmas and a little time for light reading, in spite of a good many pouches and a certain amount of work on Cabinet memoranda. However, I have had time to read [J. E.] Corbett's *Maneaters of Kumaon*,[1] which I have enjoyed immensely. It is the best thing of the kind since [J. H.] Patterson's *Maneaters of Tsavo*,[2] and I think even better, both as regards the thrills of adventure and in power of description. I have read few things more thrilling than when he found the tiger sitting smiling as he turned the corner carrying a couple of eggs in his left hand.

2. I had hoped to let you know before today about your coming home for discussions with the India Committee, but have not been able yet to get a definite reply from the Prime Minister. I am afraid the date you suggested is no good, for that would mean your coming home in the very middle of every kind of supreme inter-allied conference (wherever it may take place) during which it would be quite impossible to get Winston to turn his mind to India and might therefore find him in his most negative mood. There is also the fact that, however ineffective Sapru's Committee may be, there is something to be said for giving it time to come to some sort of conclusion and possibly throw out some idea which might be helpful or, alternatively show how little is to be expected from Indian initiative. So it looks much more as if the best date for your visit home would be March.

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3. That raises in my mind the question whether it would not be a very good thing for Auchinleck to come home before that for a short visit in order to establish personal contacts with the War Office. Lindsell has been doing excellent work smoothing out the misunderstandings which had arisen, but I am sure it would be a good thing if Adam's visit to India were followed up by a return visit on Auchinleck's part, and I imagine that might be fitted in next month.

4. To return to the Constitution. The India Committee have not yet begun their deliberations, but I will keep you posted with the general drift of what is happening as well as with my own views. As regards these, I am coming increasingly to the conviction that Cripps' proposals were in the wrong sequence, i.e., that we said that they could have independence if they could frame an agreed constitution, whereas what I believe we have to do is to give India independence first under the existing constitution and then let them consider at leisure how they can amend it. As things are at present, their resentment at India's subordination makes them incapable of looking seriously or realistically at the constitutional problem, if indeed their prepossession with the British parliamentary system made them capable of doing so. My own conclusion is that only a spell of practical work under the existing constitution with a sense of freedom from outside control will create a more realistic outlook.

Some light dawning at last!

W.

5. I know that it may be said, as indeed you say at the beginning of your last letter,[3] that Indians are wedded to that particular prepossession and that it is no use trying to get them out of it. The only trouble is that so long as that prepossession prevails there can be no possibility of either Moslems or Princes coming in under an Indian constitution. I agree that it is no good telling them now that they must abandon their prepossession: the question is how to wean them of it by accustoming them to a system more suited to Indian conditions, i.e., one giving the Executive definite independence of the Legislature. My fear about your particular proposal, *in the present atmosphere*, is that they will not come together, and that if they did, would not work honestly together. My hope is that if the atmosphere can be changed by saying that we should definitely treat India as an independent member of the Commonwealth under the existing constitution, regarded as a purely provisional constitution, the chance of their coming in as you propose would be much greater. The provisional part of it would enable Jinnah to feel that the door was not closed to Pakistan, while the recognition of India's status would help all the more moderate Hindus and perhaps even have its influence on Congress. If it enabled the

[1] London, Oxford University Press, 1946. [2] London, Macmillan and Co., 1907.
[3] No. 156.

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release of the prisoners and the resumption of provincial ministries, so much the better.

6. I am putting all these ideas of mine in a memorandum for the Committee which I hope to be able to let you have next mail for your own personal eye.

[Para. 7, on obtaining advice from professional bodies in the U.K. on nursing in India, omitted.]

8. Your Department of Information and Broadcasting recently telegraphed an account[4] of Ardeshir Dalal's recent visits to Bengal and Bihar, following on earlier visits to the United Provinces, Punjab and Bombay, for the purpose of discussing provincial reconstruction plans and of explaining those of the Government of India. It struck me on reading the report that there was a notable omission in the places visited—which of course it may be the intention to repair later on—in that they do not include any State areas. I am sure you will agree that if Sir Ardeshir can find opportunity to visit the capitals of the bigger States, particularly those in the 21-gun group, and explain personally what he and your Government have in mind, their co-operation is much more likely to be forthcoming.

9. I was much interested in your account of Hyderabad[5] and the impression created on you by the Nizam and his entourage. You describe him as not quite so slovenly-looking as you had been led to expect. Munster, possibly exaggerating a little, said that he all but handed him his hat and stick, thinking he was a servant! Osmania University is, as you say, one of the most interesting things there, not only it itself, but what it stands for. Will it be followed by other universities and will English as the *lingua franca* of India gradually be displaced through the universities by a number of different languages, not to speak of a political battle-royal between Urdu and Hindi? Is there any possible chance of averting that battle-royal by getting a modified Urdu in Latin characters to be acceptable by both Muslims and Hindus? Or would it be better to let them increase the confusion by their conflict and hope for the wider diffusion in consequence of English?

10. With regard to South Africa I have telegraphed[6] out to you what we have been able to gather through Baring of Smuts' attitude and of the possibility of a high-level conference. It seems to me just possible that if India suggested someone like Mudaliar whom Smuts knows and whose ability and good sense he appreciates, something might come of it. But clearly Shafa'at must be got out of the way and Deshmukh given time to find his feet and appreciate the situation, and to make that possible Khare must somehow or other keep the Assembly quiet for a bit without committing himself to any extreme course.

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11. In your letter of December 27th,[7] received since I began this, you refer to the awkwardness that may arise from Members of Council speaking without sufficient consideration on matters touching their colleagues' departments. I dare say it may be well, as you suggest, to drop a word or two of advice in Council on the subject. But I entirely agree with you in thinking that the more your colleagues speak in public or over the broadcast, the better. After all, it has been a terrible handicap to the Government of India having no one to speak on its behalf and all the speeches and newspaper articles directed against it and all the publicity given to its critics. On broad grounds I should be all in favour of securing the very maximum of publicity, and frequency of publicity, for your colleagues and building them up as much as possible as characters in the public eye, even if in that capacity they sometimes indulge in slightly embarrassing lapses.

12. I am glad that Rowlands' appointment has not had more than the normal press criticism. I shall be interested to hear how your colleagues, and in particular Mudaliar, have taken it. If the Cabinet were by any chance minded to follow my line and disclaim interference in Indian internal affairs, you would no doubt be free to reconsider the position if you thought fit and appoint an Indian Finance Member, finding some equivalent job for Rowlands, or leaving it to the Treasury to fulfil their undertaking in that connection.

[Para. 13, on the Indian Mission to the U.K. to discuss supply difficulties, omitted.]

14. I shall be interested to read Panikkar's pamphlet on Imperial Organisation. I always thought that his was a more constructive mind than that of most other Indians whom I had come across. He is not impressive personally but is the kind of man who might really be useful in the work of devising an all-India constitution one of these days.

15. As it is pretty obvious now that no all-India constitution is likely to emerge in the near future and that we may have to do something for British India in the interval, it seems to me that it will become a matter of urgency to set up something in the nature of an all-India Advisory Council to discuss problems of reconstruction and to prevent the Princes feeling that ambitious reconstruction projects are going to be carried out, possibly to their detriment and at any rate leaving them out in the cold. Such a Council discussing practical

[4] Not printed. [5] No. 156, paras. 6 and 7.

[6] Tel. 10 of 2 January. Sir E. Baring felt that, providing the Natal situation did not further deteriorate, an Indian proposal for a high-level conference might be favourably viewed by Field Marshal Smuts if it was made after Sir Shafa'at Ahmad Khan had left S. Africa and was accompanied by a calming statement on trade sanctions. L/P&J/8/301: ff 40–2.

[7] No. 165.

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issues of reconstruction may very well come across difficulties in the existing constitutional set-up for which they might wish to recommend improvements. In that way it is at any rate not inconceivable that an all-India reconstruction Council might—especially if its terms of reference were drawn sufficiently widely—make useful suggestions leading up to a constitutional settlement in the long run. Whether the existing National Defence Council could be enlarged for the purpose of becoming such an economic council, or whether you would not better create a separate body avowedly and primarily economic is a question which you can best judge for yourself. But I cannot help thinking that it might be a good thing to make an early move in that direction and it is the kind of thing that you could take an initiative over, as Linlithgow did over the Defence Council, without creating difficulties or delays at this end. Indeed, with Winston's strong predilection for the Princes, anything that looked like bringing them more into the picture of things is likely to appeal to him.

16. I have not been able to see Barrington-Ward personally, but Joyce has been in touch with him through Rushbrook Williams, who says that I can assure you that B.-W. will do his best to arrange for Holburn to return to India as soon as possible, or, failing that, to transfer to Delhi the best substitute available. Apparently the strain on the *The Times* organisation in these days is very great. I gather that you have written to Barrington-Ward yourself and no doubt you will hear from him directly.

17. I have just been lunching with Edwina Mountbatten who is looking forward keenly to what I fancy will be a pretty strenuous tour. I don't know if you know her at all well, but she is both able and charming and her visit should be really useful. I am sorry to say that the 500 V.A.Ds. which she has been wanting for months past and which Auchinleck has asked for are still being held up on some general man-power issue for Cabinet decision and can only hope that it will be reached soon. Freya Stark will be following shortly and I am sure she will do good work with your Indian W.V.S. She is a great little person. What with them and Lady Reading, who is with you now, you will certainly have had quite an influx of lady visitors.

[Para. 18, on welfare of troops in India; and para. 19, on Mr and Mrs Amery's week-end retreats, omitted.]

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: f 277

IMPORTANT INDIA OFFICE, *5 January 1945, 10.30 pm*

PRIVATE AND SECRET

21. Superintendent Series. Your telegram 2387-S.[1] I am sorry that I am not in a position yet to give you final reply. It is however clear that date you propose will not be suitable as Prime Minister will be heavily occupied in February with important international discussions. I hope that early in March will be practicable but will telegraph officially later.

[1] No. 164.

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War Cabinet

India Committee. I (45) 4

L/PO/6/108b: ff 256–9

THE INDIAN PROBLEM

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

5 January 1945

THE NEED FOR RECONSIDERATION

Ever since the suppression of the Congress rebellion in 1942 the Indian situation has been one of outward calm but also of an increasing sense of frustration and bitterness. It is becoming increasingly more obvious that Indian politicians are neither able nor willing to come to terms as to the future constitution. Mr. Jinnah is not even prepared to discuss the problem in the most informal fashion with Sir Tej Sapru's Conference. Logically we are, of course, in an unassailable position if we say that we have offered all that we can offer and that we can now afford to sit back and wait for Indians to do their share. But good logic is not always good psychology or even statesmanship. The task we have asked Indians to undertake is one which inevitably raises such fundamental differences that an *a priori* solution would be a matter of the greatest difficulty, even if it were not aggravated by the prepossession (with which I deal below) in favour of parliamentary government of the British type. In any case their failure to agree among themselves only makes them more bitter against the

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British Government, which they feel is setting them an impossible task as a deliberate excuse for its own determination to sit tight and postpone any further advance towards the goal to which it is professedly committed.

The danger is that, once the steadying influence of the war and of the Government of India's war emergency powers is removed, there will be a general outbreak of unrest and an attempt to overthrow the existing framework of authority, which will be none the less difficult to cope with because it is likely to be accompanied by fierce communal rioting. The Congress leaders, whom it will not be possible to keep detained any longer, will certainly do all they can to inflame the situation. Our experience at the end of the last war may be repeated on a far more formidable scale and with a much weaker governmental machine to cope with it. Public opinion here will object violently to effective measures of repression and to keeping conscript troops out in India for that purpose. The agitation which has been aroused over Greece while the war is still at its climax would be only a faint foretaste of the controversy that would rage over India. Whether we then let India drift into anarchy or temporarily reasserted authority by force, it would be the end of any hope of India remaining a willing member of the Commonwealth or anything but a costly burden and a danger until we finally let go or were driven out.

It is difficult to see how, in such a situation, there could be any prospect of carrying out effectively any of the far-reaching schemes of economic and social reconstruction now in contemplation. In any case, even if the above forecast of post-war trouble should prove exaggerated, and Indian politicians eventually arrived at agreement on the nature of the future constitution, it would, at best, be on a constitution with very weak central powers, while, at worst, it might result in the complete fragmentation of India. But such a result would be quite incompatible with any effective reconstruction programme. That requires, at the least, as strong a central control as is given by the present constitution.

The Viceroy is convinced that some definite initiative must be taken now on our side in order to get over the present deadlock and to set things moving in a more hopeful direction. All the Provincial Governors and his leading European advisers, including the Commander-in-Chief, are of the same opinion. The fact that they may not all be in favour of his particular solution does not affect the weight that should be attached to their unanimity as to the need for definite and early action.

Lord Wavell's own proposal is to try to bring the political leaders together to join in a provisional Government under the present constitution, in the hope that they would both carry on the war and the work of reconstruction with a greater measure of public support, and would also, by working together, moderate their views as to the constitutional future and eventually give a lead towards a reasonable solution. It was, indeed, with that hope that Indian

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political leaders were invited to join the Viceroy's Council in August 1940, and again at the time of the Cripps Offer. The offer was in each case rejected. It is difficult to see that the prospect of agreement has improved since then or that, even if such a provisional Government were constituted, it would—in the present Indian atmosphere—work in the desired direction.

I have elsewhere (W.P. (44) 684)[1] submitted some detailed criticisms of the Viceroy's proposal. But I feel that it would not be fair, either to Lord Wavell or to ourselves, if the War Cabinet were to come to any conclusion on that proposal without a previous fundamental reconsideration of the whole problem as it now confronts India and ourselves as the result of the years which have passed since the Report of the Statutory Commission.[2] In the following pages I have attempted, as the result of nearly five years of contact with the problem, to indicate what seem to me personally the main issues involved in such a reconsideration and to put forward my own suggestions for a solution. I do not know how far they might be likely to commend themselves to the Viceroy.

The root of the deadlock lies, to my mind, firstly in the prepossession, in Indian minds and in our own, with our own peculiar British conception of parliamentary government, and secondly, in our failure to realise that what India most passionately desires is not a particular constitution, whether of the British type or otherwise, but freedom from a status of subordination to an outside authority.

THE STATUTORY COMMISSION'S WARNINGS

On the first point the authors of the Statutory Commission's Report had no illusions. They were convinced that parliamentary responsibility in our sense, i.e., the dependence of the executive from day to day on a parliamentary majority, was wholly unsuited to Indian conditions, so far as the Central Government of India was concerned, and only applicable, as regards the Provinces, with considerable modification. Dealing with the Centre, they declared:—

> "We do not think that the British parliamentary system is likely to be the model according to which responsible government for India at the Centre is likely to be evolved . . . . Parliamentary government of this type is not the only form which responsibility may assume . . . . In England it results in stable government largely because of the extent to which the Cabinet controls the House of Commons, instead of the House of Commons controlling the Cabinet. But it does not result in stable government everywhere, and it seems to be a very large assumption, indeed, to suppose that it is along this road that India as a whole will advance towards the goal set before her . . . . We consider that the precedent for the Central Government of India must be sought for elsewhere (paragraph 29).

[1] No. 106. [2] See No. 137, note 8.

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"It appears to us that there is a serious danger of development at the Centre proceeding on wrong lines if the assumption is made that the only form of responsible government which can ultimately emerge is one which closely imitates the British parliamentary system . . . . A premature endeavour to introduce forms of responsible government at the Centre before the conditions for its actual practice have emerged would result not in advance but in retrogression (paragraph 177)."

In the Provincial field the Statutory Commission had to deal with a situation in which the British system was already in force in respect of powers previously transferred to Ministers. They did not propose a direct reversal of this situation but could only point out that:—

"Ministers are too much at the mercy of hostile combinations against them for good work to be done. Ministers need to feel that they are assured of a reasonable period within which their policy may mature and its results may be judged; at present . . . . it must be very difficult to carry on the main work of government at all" (paragraph 46).

"In some Provinces we conceive that a reasonably stable Ministry is hardly possible without the inclusion of Ministers from the main minority groups. In others prudence would dictate the adoption of a similar course. . . . . We can see no future for responsible government in India if these difficulties are not directly faced and in the end surmounted" (paragraph 55).

The Report, indeed, goes on to express a doubt whether it is even desirable that the Governor should always select a special Minister as Chief Minister. Though not going so far as endorsing the recommendation of some members of the Madras Government in favour of the election of Ministers by the legislature by proportional representation (in effect the Swiss system) the Report evidently considered that it was desirable to attain to some similar result by more informal means.

While convinced that no final solution of the problem at the Centre could be reached except on an All-India basis, the Statutory Commission did not believe that the very difficult problem of the relation of the States to British India could be finally solved in the immediate future. They suggested, as a first step, the creation of a "Council for Greater India" (paragraph 236) to be created by the Crown by proclamation for the purpose of consultation on matters of common concern. By these they more specifically contemplated economic matters, and, indeed, had elsewhere (paragraph 17) declared that "Economic forces are such that the States and British India must stand or fall together."

OPTIMISM AND DISILLUSIONMENT

These cautious warnings were all cheerfully disregarded by the First Round Table Conference in 1931. In a wave of curiously illogical optimism the

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delegates persuaded themselves and the British Government that an All-India Federation justified responsible government of the British type, and, conversely, that the concession of parliamentary responsibility at the Centre was the only effective inducement to the Princes to join an All-India Federation. It was on this basis that the subsequent deliberations of the Joint Select Committee were conducted. The Committee in its Report[3] showed itself no less conscious than the Statutory Commission of the objections to parliamentary government of the British type under Indian conditions, as is shown by the following quotations:—

> "It must be recognised that, if free play were given to the powerful forces which would be set in motion by an unqualified system of parliamentary government, the consequences would be disastrous to India, and perhaps irreparable" (paragraph 20).
>
> "The picture presented by India is that of a country with a population so far from homogeneous and so divided by racial and religious antagonisms that government by majority rule as it is understood in this country is admittedly impossible at the present time" (paragraph 71).

The Committee rightly insisted on the supreme importance in Indian conditions of a strong and stable executive. "In India the executive function is of overwhelming importance . . . the core of the problem." They also pointed out that the authority possessed by the executive in this country in virtue of the power of dissolution is largely nullified in India by communal voting resulting in the return of the same proportions in the legislature (paragraph 112). But their only definite remedy to deal with these dangers was to entrust the Governor-General and Governors with certain personal powers the effect of which it was hoped would be to "translate the customs of the British Constitution into statutory safeguards." So far as the Provinces were concerned they expressed a pious hope that Ministers would be chosen on a coalition footing. At the Centre they based their optimism on the apparent keenness of the Princes to join and on the steadfast support they might be expected to give to a strong and stable Central Government (paragraph 30). *Without the Princes they "agreed with the Statutory Commission in thinking that a responsible British India Centre is not a possible solution of the constitutional problem"* (paragraph 33). On the other hand, in disregard of the Statutory Commission's conclusion, they introduced dyarchy at the Centre by reserving Defence and Foreign Affairs.

The result certainly has in the main justified the warnings both of the Statutory Commission and of the Joint Select Committee, and to belie the optimistic hopes of the latter. In the absence of anything more definite in the Governors' instructions than a reference to the inclusion in Ministries "so far as practicable" of members of important minority communities, the Congress leaders were able to use their sweeping electoral victory in 1937 in Hindu India to appoint

[3] H. of C., 1933–4 Session, Paper 5.

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purely party ministries wherever they had the majority. They thus secured stable, and in some cases reasonably efficient, administrations—but only at the cost of finally convincing the Moslems that nothing would induce them to accept responsible parliamentary government at the Centre. Mr. Jinnah, indeed, has carried the logic of majority government one step further by declaring the Indian Moslems to be a separate nation and entitled to rule in those regions of India where they form a majority. In the Provinces where Hindus and Moslems are more evenly divided coalition ministries were formed, but, except in the Punjab, have exhibited all the weaknesses which were predicted in executives dependent from day to day on irresponsible legislators. As for the Princes, their enthusiasm for federation rapidly evaporated in contact with Congress activities in their States and in the light of Congress methods in the Provinces. The British system has, in fact, in an environment to which it is utterly unsuited, exercised its disruptive influence with disastrous effect.

The scheme of 1935, so far as an All-India Federation based on a parliamentary executive is concerned, is as dead as the dodo. Indian politicians are much more intent on manœuvring for position when the war ends than on finding a workable alternative solution. The Princes have lost all interest in federation and are chiefly anxious as to the effect of reconstruction policies on their own economic future. There is no hope of India getting unaided out of the rut of frustration and bitterness. It is for us, if we wish to avert a catastrophe, to create a new situation and a new atmosphere in which there may be a reasonable hope both of orderly government being carried on for the initial years of reconstruction and of Indians coming to envisage their constitutional problem in a new light.

THE MAINSPRING OF INDIAN RESENTMENT

That brings me to what I have referred to as the second main root of the present deadlock, namely the resentment against the subordination of India, as such, to the authority of the British Government. This is, I am convinced, the most deep-seated and passionate element in Indian discontent. While it is aggravated by racial difference it is directed far less against the Viceroy and other Europeans, official or unofficial, in India than against Parliament and that universally execrated symbol of India's subordination, the Secretary of State. There is nothing extraordinary in this. It is, after all, the same emotion, even without the added complication of racial difference, which caused the revolt of the American Colonies, and would have led to the same result in our other politically self-conscious colonies if we had not so readily given way to every expression of it. So long as it is not satisfied Indians simply will not address themselves seriously to their own internal problem. That is why Congress wrecked the Cripps Offer by demanding the immediate and unfettered control of the Government of India. That is why Mr. Gandhi's fantastic "Quit India"

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demand could find so wide a measure of acceptance. That is why Sir Tej Sapru's Conference arouses so little interest. That is why, I fear, the Viceroy's proposal cannot achieve the results he hopes for—in the present emotional atmosphere.

We declared our willingness, at the time of the Cripps proposals, and have repeated it since, to satisfy that passionate desire for liberation from Whitehall to the uttermost—even to the extent of agreeing to India's seceding from the Commonwealth if she so desires. But as we obviously could not hand over India to anarchy we coupled that offer with the condition that it must be under some agreed constitution or even separate constitutions. In doing so we took incredible risks. There was the risk of a constitution agreed on paper proving utterly unworkable and breaking down almost from the start. There was the risk of half a dozen different Provinces—not to speak of the Princes—taking us at our word and demanding separate independence. There was the risk of an agreed constitution or constitutions being fascist or otherwise repugnant to our ideas of free self-government—for we made no stipulations on that score. There was the risk of a Constituent Assembly agreeing on a constitution, but refusing to accept even the most essential treaty stipulations. Lastly, there was the risk, even the probability, of a Constituent Assembly committing itself from the outset to secession from the Commonwealth.

All these risks we were cheerfully prepared to face. Why should we not face a much lesser risk and give to India under her existing constitution what we were prepared to give to the incalculable outcome of a Constituent Assembly? Why not declare that India shall, as from the end of hostilities, and pending agreement on a new constitution, be independent of the United Kingdom under her existing constitution, i.e., with the Viceroy and Governors continuing to exercise their reserve powers, but not under instructions from Whitehall? The existing Government of India is based on a stable executive not subject to parliamentary or caucus dictation. It is predominantly Indian and its authority and representative character would soon be enhanced once it was believed to be something more than the mouthpiece of the Secretary of State. It enjoys a far wider measure of Indian agreement than any other that has yet been suggested. Even the politicians would, I believe, sooner put up with it, but for the feeling of Whitehall interference, than with any on which agreement is as yet in sight. It enjoys what is after all no less important than mere political agreement, namely the support and at least the professional loyalty of a vast administrative organisation and of the fighting forces—the latter by no means certainly assured to some new scheme of government. It has all the momentum and instinctive appeal to the masses of a government in being. Indians may, in theory, wish for the eventual complete Indianisation of government from the Viceroy downwards. But in practice they appreciate the energy and the disinterested impartiality of the British element in the administration.

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Their chief objection, indeed, to it is the suspicion, mainly unjustified, that it is there to carry out the secret orders and subserve the selfish interests of Whitehall.

Why has this obvious and far safer alternative never been thought of? I would say it is mainly for the same reason as that which has brought about the deadlock within India itself, namely our obsession with the idea that responsible government can only mean the immediate authority of a parliamentary majority and the ultimate and undivided authority of an electorate. The existing constitution clearly recognises, by the safeguards and reserved powers conferred on the Governor-General and Governors, that this cannot apply without qualification in India itself. Does the mere fact that at present these powers are exercised subject to possible orders from a government in London, and more remotely to Parliament and an electorate ignorant of Indian conditions and mainly preoccupied with other issues, really constitute responsibility? Is it not rather, from the point of view of India, an irresponsible interference more calculated to subserve British interests or the vagaries of British politics than the interests of India? Is the strictly limited personal authority of Viceroy or Governors, balanced and influenced, as it must be, by the views of their executives and the votes of their legislatures, by a free press and the reign of law, likely to be exercised without a sense of responsibility, or with less sense of responsibility and impartiality than that exercised by a party caucus dominated by Mr. Gandhi or Mr. Jinnah? It is worth noting that the Joint Select Committee described the then existing Government of India, i.e., even before the creation of the present predominantly Indian Executive Council, as:

"A system of government which, while possessing many special characteristics, is no less based on British principles and is no less a living organism. . . . The safest hypothesis on which we can proceed, and the one most in accordance with our constitutional history, is that *the future government of India will be successful in proportion as it represents, not a new creation substituted for an old one, but the natural evolution of an existing government and the natural extension of its past tendencies.*"

A PRACTICAL ALTERNATIVE

It is precisely for that reason, as well as in order to meet Indian aspirations which are otherwise likely to lead India and ourselves to disaster, that I would make it clear that we intend to concede to India that full and unqualified independence within the Commonwealth which we have declared as our goal, not under some problematical and, it may well be, unworkable constitution or bundle of constitutions, but under the existing constitution as it stands. All that is really involved in that concession is the extension to the whole field of Indian government of that non-interference from here which has already grown up over a very wide field by usage or, as in the case of the Indian tariff, by a

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definite declaration of our intention. It would, in fact, be doing in a single dramatic step what in the case of the Dominions took place by the evolution of the last thirty years before the Statute of Westminster. And I would announce that this declaration of non-interference on our part should take effect at the conclusion of hostilities. That would be avowedly a provisional arrangement, pending agreement on the future constitution which could then be discussed by Indians at leisure and without the complication introduced by their passionate resentment against India's present subordination. It is a matter for consideration whether a subsequent new or amended constitution could only replace the provisional one after a fixed period of years. From the point of view of the reconstruction programme that would certainly be an advantage. On the other hand, the prospect of early Indian agreement on a new constitution is so remote that it might be safe, and certainly more effective psychologically, simply to say that Parliament would, in accordance with the Statute of Westminster, give legal effect to any new constitution generally agreed in accordance with the principles laid down in the Cripps declaration. Parliament might have a very long time to wait.

One advantage of such a policy would be that the indispensable treaty arrangements could be made with a really responsible government in being. The idea that a Constituent Assembly is the sort of body that can work out treaties on such subjects as defence, the rights of the Crown Representative, &c., or can effectively bind a subsequent government, has always seemed to me to savour of unreality. But there should be no difficulty in making such treaties with the existing Government of India. We have, after all, been in the habit of making such agreements with that Government on tariffs and defence and are contemplating arrangements on civil aviation, telecommunications, &c., and this would simply be the extension of an existing practice. The Statutory Commission, indeed, did recommend that the defence of India, as a matter of "supreme concern to the whole Empire," should "be brought about by a definite agreement between India and Great Britain acting on behalf of the Empire" (para. 209). To maintain the avowedly provisional character of the situation such treaties, except those safeguarding the position *vis-à-vis* the States, should be of sufficiently short duration to allow of modification under a new constitution, say ten years for a defence agreement and five for any trade agreement.

Such a provisional solution can be for British India only. But the economic situation, above all in view of the needs of far-reaching reconstruction, must from the very outset and increasingly affect the States. Some measure to secure effective consultation, co-ordination and co-operation on the whole policy of reconstruction is indispensable. Here we are brought back, inevitably, to the Statutory Commission's All-India Council. The precedent of the successful operation of the existing All-India National Defence Council suggests that

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there need be no serious difficulty in the way of its creation on similar lines. What is more, such a Council, if its terms of reference are sufficiently widely framed, might very well, in the course of its investigation of the concrete problems of reconstruction, realise defects in the existing constitutional machinery and make positive suggestions, which might prepare the way towards the eventual solution of the problem of an All-India constitution. I can, indeed, think of no other way so well fitted to approach that problem in a practical spirit or with better hope of eventual success.

In order to emphasise the fact that it is definitely a provisional constitution under which India is being set on her own feet, and to prevent Mr. Jinnah objecting that the Pakistan issue is being prejudged against him, it will be undesirable to make any changes beyond the minimum required to bring into effect as much of the provisions of the 1935 Act as are applicable to the new situation. It will be necessary to bring into effect, presumably by Order in Council, the provisions, so far as they are applicable to British India, dealing with the composition of the Central Legislature. These are certainly an improvement on the present out-of-date arrangement, more particularly in the importance assigned to the Provinces as the basis of the Central Assembly. For a number of other necessary consequential changes legislation would be required. But much of the necessary adjustment can be made by Order in Council and by the issue of new Instructions to the Governor-General and Governors.

In the case of the latter it would, indeed, be desirable to include a much more definite insistence on the need for coalition ministries. I see no reason why the Governor should not be directed to insist on a ministry including, not merely members of minority communities, but representatives of the minority parties. He might even be encouraged, if he thought fit, to invite the Legislature to hold an election by proportional representation in order to guide him in appointing a ministry which would command the widest measure of support. In any case he should be authorised to inform such a coalition ministry as he may approve of that he will continue to give it his confidence and support against any but a direct vote of no confidence passed by an effective majority of the whole Assembly. In this way I believe many of the essential features of the Swiss system could be incorporated in a more flexible form suited to the conditions of different Provinces and Provincial Governments, and give a measure of stability and a protection against the endless intrigues and manœuvrings which engross their attention at present.

The most important, indeed, of the changes which I would urge, viz., the establishment of India's independence under her existing constitution requires, in the main, nothing more than a declaration of intention. All that is needed is an announcement that after a given date we shall pass no legislation affecting India except in accordance with the Statute of Westminster, i.e., at India's request, and shall regard our relations to the Governor-General and to the

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Government of India in the same light as our relations to the Governor-General and Government of Canada.

Pending the adoption of a new All-India constitution we would, however, continue to reserve the appointment of the Governor-General and Governors, more particularly in so far as the Governor-General will also continue under the present constitution to be Crown Representative, and in that respect carry on as before and under instructions from here. A similar situation continued for some twenty years in South Africa when the Governor-General of the Union was in his capacity of High Commissioner subject to the orders of the Dominions Office in dealing with the administration of the native protectorates.

To deal with these matters and with the large volume of business which will inevitably continue with British India the India Office would no doubt be maintained, though much of its work would be transferred to the High Commissioner, whose status would then correspond to that of his Dominion colleagues. Eventually, perhaps, a new Asiatic Department might deal with the affairs, not only of India and Burma, but also of Ceylon, Malaya, &c. Questions and debates in Parliament—the badge of India's inferior status—would only be admissible to the extent to which they are allowed in the case of the Dominions.

CONCLUSION

To sum up my recommendations, they are:—

(1) That we should at a suitable early date, e.g., next King's Birthday, announce that we mean to treat India as a free and equal member of the Commonwealth under her existing constitution pending Indian agreement on a permanent scheme of government. That this should come into effect as from the end of active hostilities so that India can take her part in any Peace Conference or other post-war organisation on a full equality with any other nation.

(2) That we should then pass such amending legislation, Orders in Council or revised Instructions as will enable our pledge under (1) to take effect and, in particular, enable elections for a new Central Legislature to be held at the same time.

(3) That we should take early steps for the creation of an All-India Consultative Council as recommended by the Statutory Commission.

(4) That we should at an early date begin considering and discussing with the Government of India the general terms of such treaties in respect of the position of the States, defence, trade and, possibly, the smaller minorities, as it will be necessary to conclude on a footing of recognised equality after our pledge under (1) comes into effect.

The declaration which I propose might well be made by the King Emperor himself and be accompanied by an announcement of his intention to inaugurate

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the new régime by his coronation in Delhi. The effect on India would, I believe, be profound. Under its influence Lord Wavell's present proposals might, indeed, have a fair prospect, not only of being accepted but of being successfully worked. The release of the Congress leaders could then take place with a reasonable hope of their accepting the situation with more or less good grace. Provincial self-government could be resumed. Opinion in America and elsewhere would realise that we had done our best in a difficult situation. Last, but not least, a disturbing and even dangerous issue would have been eliminated from our domestic politics in the United Kingdom.

There are, of course, many difficulties that might conceivably arise under such a solution. The dual responsibility of the Viceroy as Governor-General and Crown Representative is one of them. So is the question of the use of British troops in fulfilment of our treaty obligations to the Princes or for purposes of internal order. While these are matters which can be provided for by the special treaty arrangements which I have suggested above, there will always be the possibility of difficulties arising over their practical application. All I would say here is that there is not one of the difficulties that can possibly be envisaged which is not likely to present itself in an even more acute form under any other possible constitutional scheme.

I believe that it is on these lines that there is by far the best hope of ensuring a gradual and peaceful transition from the present system of Indian government to such future system as may eventually emerge. That it is likely to emerge in any near future seems to me precluded by the present depth of the communal cleavage and by the probability that, once the sense of India's subordination is removed, Indian political leaders may themselves concentrate more on problems of reconstruction and on the economic issues which may arise from them than on constitutional issues which will have lost much of their emotional urgency.

Above all, the solution I advocate seems to me the one that is most likely to keep India within the British Commonwealth. On our present policy we may be pretty certain that any Constituent Assembly that can be got together after the war will meet in a mood of intensely exasperated—even if divided—nationalism, and that no Constitution is likely to be accepted, by Hindu British India at any rate, which does not avowedly sever all connexion with the Crown and with the Commonwealth. It is quite a different matter if Indians simply have to carry on with a going concern, no longer exasperated by the sense of subordination to irresponsible external interference, and increasingly aware of the practical advantages of a partnership which gives so much and asks for so little as the British Commonwealth, and with which two and a half centuries of close association have created so many practical ties and affinities of political outlook.

L. S. A.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 276

IMPORTANT
PRIVATE
SECRET

NEW DELHI, *7 January 1945, 7 pm*
Received: 7 January, 3.30 pm

No. 38–S. Superintendent series. Your telegram No. 21[1] of January 5th. I note position but must emphasise that the sooner problem is discussed in London the better.

[1] No. 183.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/10/18: f 138

PRIVATE

INDIA OFFICE, *7 January 1945*

23. Paragraph 15 of your private letter of 12th December.[1] Rajagopalachari. I doubt whether a visit here would be helpful. He would be assumed to speak with a representative authority which he does not really enjoy and this might cause embarrassment.

2. I doubt in any case whether we should give facilities to Indian public men to travel to this country so long as the leave passage problem is so acute unless there is some definite practical purpose for a visit. Once we begin it is impossible to draw distinctions.

3. I hope therefore you will agree to ride off this suggestion on passage grounds. If you disagree I should be glad if you would consult me further before you give this proposal any encouragement as I shall wish to consult my colleagues.

[1] No. 148.

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Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/193: ff 3–4

SECRET GOVERNOR'S CAMP, CENTRAL PROVINCES AND BERAR,
No. R–52–G.C.P. *7 January 1945*

Dear Lord Wavell,

This letter covers the whole of December. I did not write a covering letter for the first fortnight of December partly because the papers reached me just at Christmas—and there was nothing much on which to comment—but largely because I was engaged in making up my mind what action to take in regard to what I can only describe as the Congress counter-offensive in this Province. I was at Jubbulpore and had to decide whether to allow or disallow a meeting of "released Congressmen" which had been summoned for 29th December and was to include representatives from the north and east of the Province including many prominent Congressmen who had been active as members of the Congress organisation before August 1942. At the same time, almost overnight, Congress organisations had been revived throughout the Province; seditious speeches were being made by released Congressmen and others and all this—in accordance with Gandhi's usual duplicity—was ostensibly in furtherance of the programme of rural uplift. I am aware that in other Provinces meetings of the kind envisaged have been allowed but this Province is so closely in touch with Gandhi and so susceptible to Congress influence that, after careful consideration and discussion with my officers, I came to the conclusion that I must ban the proposed meeting. Further, by re-arresting the released Congressman, who was guilty of the sort of objectionable speech which was current before August 1942, I indicated that no new campaign would be tolerated in this Province where, but for our energetic action in August 1942, a very large area would probably have gone completely out of control. As to the meeting itself, it was objectionable because—

(i) It was to consider the political situation in the Mahakoshal and was therefore concerned with politics, but (*a*) the August 1942 resolution has never been withdrawn, and (*b*) the meeting was to consist largely of persons who were active in furthering the August 1942 resolution.

The proposed meeting was widely publicised in the local press and one of its objectives was to ventilate grievances "against the retrograde administrative acts" and to "condemn the repressive policy of the Government"—clearly a subject which has nothing to do with rural uplift.

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(ii) Several committees have been appointed and their activities are not confined to "rural uplift". There are committees concerned with Congress volunteers, Congress re-organisation and labour. In view of Congress attempts at re-organisation at Jubbulpore and throughout the Province, it is clear that the intention is to revive under different names Congress Committees which have been declared unlawful. There is the additional factor that Congressmen are interfering with labour at Messrs. Burn & Co's Pottery Works which is largely concerned with war production. Congress volunteers are in themselves objectionable in view of the failure of the Congress to dissociate itself from the August 1942 resolution.

(iii) The meeting was of "released Congressmen". It was clearly undesirable that persons who had been imprisoned or detained in connection with the August 1942 "rebellion" should be allowed publicity which a meeting of this kind imported.

(iv) It was believed that about 200 prominent Congressmen from Mahakoshal, i.e., the Jubbulpore and Chhattisgarh Divisions and probably Seoni, would assemble. All these persons were prominent Congressmen at the time of the August 1942 rebellion and many, if not most, of them were, as described by themselves, "released Congressmen".

(v) It was clear that if measures were not taken to prevent Congress re-organisation, the party would be in a position to act as freely now as before the ban on various Congress organisations. No reliance can be placed on the camouflage of rural uplift and it is only to be expected that Congress activities will interfere with the efficient prosecution of the war and will be inimical to the organisation of the war effort on a scale which is especially necessary at the present juncture. Complaints have already been formulated that Congressmen are interfering with the National Savings drive, etc., and this interference is certain to extend to such matters as recruiting, labour activity, etc.

The result of the ban on this meeting was a protest from the Secretary, one Pandit Kunjilal Dube, in which the Deputy Commissioner was threatened that he would be reported to Gandhi. At a small meeting of protest against the ban which was held on Christmas Day, it was stated that the conference would be postponed "pending instructions from Gandhi". These are indications that the pretence of re-organising within bounds permitted by Government is a bit thin.

Another arrest that I found it necessary to make was that of one "Senapati" (General) Bapat whose speech at a students' conference in Nagpur was as flagrantly seditious as any I have come across.

The above mentioned measures have been taken on sufficient grounds in each case and their combined effect, I am glad to say, has been to give pause to

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activities which might at any moment have become seriously troublesome and which would have become increasingly difficult to put a stop to at a later stage. It remains to be seen what attitude Gandhi—to whom all my local Congressmen have ready access—will take when he recovers from his indisposition. His general attitude is sufficiently indicated by his instructions to Ahmadabad students to observe the 9th of each month as "Arrest Day" by absenting themselves from schools and colleges, a directive which was complied with at the Commerce College, Wardha, and elsewhere.

In short, we are nipping these potential subversive activities in the bud and I am glad to note that the Home Department has been advised that banned Congress Committees re-constituted under different names remain illegal under section 18, Indian Criminal Law Amendment Act, 1908.

2. Arising out of the stiffening of our attitude towards Congress activities, I was compelled to review again the decision to release about 50 per cent of our remaining 134 detenus. I went through each case again with the Chief Secretary and the Inspector General of Police and we came to the conclusion that, in the light of the developments during the last fortnight of December, we could only safely release about 16. Many of the others who we thought might be released are persons who are described as certain to take part in Congress activities, if started again. A few weeks ago there seemed no immediate prospect of dangerous Congress activities but, with the change in the situation, we are not prepared to take any risk.

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War Cabinet

India Committee. Paper I (45) 5

L/PO/6/108b: ff 261–2

PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.I,
9 January 1945

In my paper of the 28th December (I. (44) 10)[1] I invited my colleagues to let me have any suggestions for a different approach to the solution of the Indian problem.

2. I circulate as an Appendix to this paper the text of the replies which I have received from the Lord Chancellor, the Chancellor of the Exchequer, the Minister of Aircraft Production and the Minister of Education.

3. I have also received a memorandum from the Secretary of State for India which I am circulating as an independent paper (I. (45) 4)[2].

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4. I have invited the Secretary of State for India to arrange for an expert technical examination of the suggestions that have been put forward by my colleagues with a view to our discussing them once a Report on them is available.

C. R. A.

Appendix to No. 188

I. NOTE BY THE LORD CHANCELLOR, DATED 3RD JANUARY, 1945

Practicability of a different approach to the Solution of the Indian Problem.

1. Might it not be of advantage for the Committee to approach this conundrum from the other end, and to see whether we do not agree on certain conditions which must be satisfied in any attempted solution? By way of example I suggest two topics.

2. Is it possible to conceive a constitutional arrangement for India in which the Viceroy becomes a mere figurehead without influence upon, or power over, executive and legislative action? I have hitherto considered such a situation to be impossible in the case of India, and that is one of the reasons why I have always so much regretted loose talk about Dominion Status by people who ought to have thought out carefully what Dominion Status means before they gave currency to such an expression in connection with India. In other words, is it seriously contemplated that the solution which we are hunting for can take the form that an Indian Prime Minister can, without Viceregal influence or guidance or direction, conduct the foreign affairs of India, in war and in peace, in the way which seems good to him? There seem to be two very formidable objections, and I do not know how they can be got over. The first is acute Hindu-Mohammedan tension, and the second is the ignorance of the great mass of Indian voters. I do not suppose that a representative parliamentary system has ever before been erected upon the basis of so illiterate an electorate.

3. Another topic which would, I think, repay careful examination would be that of the essentials which must be fulfilled if a British Army recruited in Britain and authorised under British law is to remain in India. So far as I know, in the case of other Dominions, as soon as that status was attained the British Army marched out. It seems to me unthinkable that British regiments quartered in India should be under the orders of an Indian Cabinet without any controlling influence from a British Viceroy or a British Commander-in-Chief. That would be, I should have thought, impossible in any case. But it is still more manifestly inconceivable when it is remembered how British soldiers from time to time are called upon to intervene to allay civil disturbances or

[1] No. 167. [2] No. 184.

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communal rights [?riots]. It is said that our treaty with Egypt provides an analogy. Then let us examine it.

4. Another topic which suggests itself as suitable for more precise analysis is that of British responsibilities to (*a*) Minorities, and (*b*) the Princes. Possibly by candidly defining the limits of what is *im*possible, the area within which any solution must lie would more clearly emerge.

2. LETTER FROM THE CHANCELLOR OF THE EXCHEQUER TO THE LORD PRESIDENT OF THE COUNCIL, DATED 3RD JANUARY, 1945

You have asked for ideas about the future constitution of India. I have no plan, but I should like to see a small official group set to work on possible variants of the scheme outlined by Coupland in his Part III as regards both the Provincial Executives and their relation to the legislatures and possible regional groupings.

3. LETTER FROM THE MINISTER OF AIRCRAFT PRODUCTION TO THE LORD PRESIDENT, DATED 1ST JANUARY, 1945

Your note I. (44) 10 asks for suggestions as to the possible alternative schemes for the Indian Constitution.

It is almost impossible to do more than make the most vague suggestions of the broadest character since I have not the spare time available to make the study that would be required before submitting any proposals in detail.

The line that I should like to see explained [?explored] is based upon two points:—

First: The use of indirect election based upon the village community.

Second: The introduction of a second chamber—also elected—but elected on a definitely racial or religious basis somewhat on the lines of the Soviet of nationalities in the U.S.S.R. This body should have the right of veto only in those subject matters which directly touch racial or religious feelings.

Its constitution would not be based upon the numerical strength of the different religions, &c. Like the United States Senate and the States there would be an equality of representation, though not necessarily absolute, e.g., the Hindus, Moslems would have the same representation, though this might be twice that of the Christians.

These two points would be the basis of Government for British India or "Hindustan." The same would apply to Pakhistan if there is to be one.

Between Hindustan and Pakhistan there should be a *very* loose federation to start with—the very minimum possible, and with that could be associated the States unless they are prepared to come into Hindustan or Pakhistan.

I feel that Pakhistan has become so much the slogan of the Moslems that it is

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no use working out anything to start with that does not proceed upon the basis of its future existence—though whether it will ever come into being is quite another matter.

I am sorry this is so vague, but I feel that if someone could get to work on exploring it we might see how the ideas could be worked out.

4. LETTER FROM THE MINISTER OF EDUCATION TO THE LORD PRESIDENT OF THE COUNCIL, DATED 5TH JANUARY, 1945

You asked for any ideas on the Indian question which we must all approach with great humility. My own ideas are on the following lines, though I should need many weeks of study before I could bring them to anything like practical sense.

1. It is clear that we have reached an impasse on the lines upon which we are at present proceeding. The Indians feel it dishonest of us to say that they must agree *before* we give them their hearts' desire. They on their side are unable to agree and by their discord indicate the need for our continued advice and sharing of responsibility. I think that if we are to assume the responsibility of further guidance we should not miss this opportunity to move on to rather different lines, and should not ignore the fact that the final solution of the Indian problem must be done with the aid and concurrence of British opinion as well as with that of advanced Hindu opinion. British opinion may well be divided, but there is plenty of robust commonsense that feels that we cannot throw over our Indian responsibilities, while at the same time we must assure India a better status than she has in the world of nations at present.

A final solution of the Indian problem is not easily attainable. It will be wiser to achieve as much as we can at one time realising the intractability of the problem.

2. It would therefore seem necessary to work for some interim improvement and to use the time afforded to good purpose in our attempt to achieve a final solution. What is wanted is to liberate the forces of India to assist us in the work of final constitution making. At present these forces are either non vocal, inhibited, or taking wildly wrong turnings.

It would seem to me that for the interim period what we want is to give India some satisfaction over her nationhood and to set her working on the new lines. The first may well be more difficult to achieve than the second.

3. You mention in your request to us two studies of the Indian problems, namely, the Simon Report and the Coupland proposals. Proceeding from the Simon Report in an attempt to find an interim solution of the central problem which will give India a better status as a nation, I feel that we must acknowledge that much water has flowed under the bridge since this excellent document was published. The document itself acknowledges that India spoke as a

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nation at the League of Nations, but we shall have to go further than the proposals in that Report in order to give India the satisfaction which is her due. I should like to see some interim solution explored which—

(*a*) places the Indian Central Government on a Dominion level, e.g., that the Government of India is run by the Indian Government and that correspondence with London is conducted with an Office having a status similar to the Dominions Office;

(*b*) which secures that in that Central Government the minorities, and particularly the British, are not absent. There is no reason at all why the best British should not be treated as a minority and included in the interim Central Government. They would not be there, of course, as catspaws of Whitehall, but would be those who represent some interest in the country. In this connection I have been much struck by conversations with Lord Catto and his cronies, who know India as well as anybody else, and who all feel that the next step in India should not be to eliminate the British but rather to bring them in on the model of some of the 18th century free lances to work with the Indians in attempting to reach a happy solution to the difficulties of the country as a whole;

(*c*) if relations with the Indian Central Government are to be with an Office of the type of the Dominions Office, it may well be asked whether the Minister in question is directly responsible for administration of the subcontinent.

This bring us back to the problem which has faced us so often before, namely, that it is difficult to find a half-way house between a Responsible Indian Central Legislature and something on the present model. Taking first the position of Indian Princes, it should surely be possible to retain the link suggested by the Butler Committee[3] under which, during the interim period, the Treaties would remain inviolate and the Viceroy would be acting in regard to the States as the King's representative. Behind the Viceroy there would be the King's Minister, who would be in the same position to Parliament as is the Foreign Secretary—that is to say, that the Minister would have liberty of action, but if he offended Parliament he could be called to order by that Sovereign body.

The British Indian position is more difficult. I should prefer to move step by step in the interim period and to take one step not taken hitherto, namely, to bring the Princes as well as Representatives of British India and Minorities into the Government, which should grow out of the present Viceroy's Council. Much detailed consideration would have to be given to such a proposal.

The representatives of the Princes could be brought into the Central Government through being chosen from the Princes Chamber. They

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would presumably also take part in some Central Council for India, which was only adumbrated in the Simon Report.

In order to give some inducement to get Provincial Autonomy working again it might be worth while to cause the Provincial Legislatures to elect the British Indian Representatives to the Council of India.

(*d*) The outstanding problem to work out in regard to the Interim Centre would be the relationship of that Government to the Council of India and to the Viceroy. In view of the fact that this would be an Interim Government and that the discussion about the final constitution of the "Independent" Centre would be proceeding, it would be advisable to depart from present practice only in so far as considerations of Indian "status" make necessary.

The plan needs working out in detail, but it is clear that considerable responsibility will be left to the Viceroy, and that even if the Minister at home is on Dominion level he will have much to answer for to Parliament on general issues.

It would be difficult psychologically to make no interim change at the Centre. Some uplift must be given to the Indians if some future solution worthy of the *unity* of the Continent is to be worked out. Moreover, the Indians and their International friends want to achieve as good a status of nationhood, even in the Interim Period, as Siam, Iraq or Egypt.

4. Coming now to the machinery for working out what shall be the final solution of the Indian problem, we are faced by the strong hold that some form of partition has obtained in India. In the interim period I proceed from the basis, though go further than the Simon Report. As for the future, I am inspired by what Professor Coupland writes, but I think it too neat and tidy to give us a solution in a hurry. I have always felt that some form of repartition of Indian Provinces is essential in order to create units consisting of both British-Indian and Indian State territory and inhabitants, which can then create a form of Government so all-embracing within themselves that comparative religious quiet may be obtained and that the units so created may be economically viable. To achieve such a Nirvana will take time. This is a subject which is very dear to the Indians' hearts. Much past history of the country can be invoked and time taken in studying the permutations and combinations. Muslims and Hindus alike can find fascinating possibilities in the study. Mr. Ragavendhra Rao told me before his untimely death that this would be the only satisfactory way of keeping Indian politicians in order. They would never agree on the constitutional or religious issue but might agree finally to repartition of areas.

The States may well be anxious about these proposals, but I frankly feel that many of the small States are anachronisms and must find their salvation by

[3] See No. 143, note 5.

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coming to an understanding with their British-Indian neighbours. This is particularly the case where parcellation of territory is the most complicated. We have before us the first cautious experiment of a sort in Kathiawa[r]. I do not see why, if the States are brought slowly along, and given a guarantee of the British Government during the interim period in respect of their Treaties and Sanads—I do not see why the States should not be brought to the idea of coming to an understanding with British-Indian units within various regions into which India may finally be divided. I do not see why they should find this any more difficult than the handsome acknowledgements made by Bikaner and others on the subject of a Central Federation at the Round Table Conferences.

In order to work out the area of the Regions and the nature of association within them, it might be necessary to appoint a Boundary Commission. Expert opinion would have to investigate whether a Boundary Commission or a Conference was the best method of approaching the new Indian regions each with a nationality and ultimately bound together by a Council of Nationalities not unlike the Soviet model.

5. I apologise for the length of the above. What it means is this—that we should find some interim way of giving Indian pride satisfaction. But in this interim solution we should not throw away the British connection or rights, whether by treaty or otherwise, involving the use of our troops, &c. But we should use the interim period for working out the scheme of Indian nationalities and one day get nearer a final solution of the problem.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 2. *9 January 1945*

I have no fresh letter from you to answer this week. There is little to report on all-India politics. I believe that Gandhi's intimates are again seriously worried about his health. Some days ago he seems to have had a bad attack of sickness followed by a cough and fever. He has been very weak since and the doctors would, I understand, like to keep him away from serious work until the end of this month.

2. There is a good deal of Congress activity in the Provinces, especially the U.P. and Bombay. As I have told you before, the object of Gandhi and the Provincial organisers is to get the party machine running again so that they

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can be ready for a general election or for a mass movement if they wish to start one. There is evidence of some internal dissensions and I doubt if there is yet any great enthusiasm. I saw a Bihar intercept recently—a letter from some local Congress worker to Gandhi's Secretary, in which the apathy of the Congress was contrasted with the relative success of Government relief measures and the personal activity of the Governor during the recent seasonal epidemics.

3. Council decided at their last meeting to release Dr. P. C. Ghosh, one of the members of the Working Committee now at Ahmednagar. He has been in poor health for some time, and although the Government of Bengal think he is a dangerous man, his record is not very impressive. If he gives trouble in Bengal, the Bengal Government can always restrict his movements and keep him out of mischief. I have had two letters recently from Abul Kalam Azad dealing with the personal complaints of himself and his colleagues. The letters were probably drafted by Jawaharlal Nehru. There is nothing of general importance in them. The second crossed my reply to the first, to which it was intended to be a postscript. The release of Ghosh on medical grounds meets the most important of the complaints. Otherwise Azad was concerned mainly with alleged instances of inconsiderate treatment, the refusal of permission for detenus to see relatives who were seriously ill, and so on. My reply was sympathetic, and I think that in some cases we might have shown a little more consideration. But it is not possible to give political prisoners freedom of movement in domestic emergencies which is what Azad seemed to demand.

4. Mudie has suggested that it might be a good thing to break up the Ahmednagar establishment and to transfer the members of the Working Committee still in detention there to their own Provinces. I have agreed to his consulting the Provincial Governments about this. My first reaction was that this move would give rise to a good deal of speculation, and that there would be no obvious advantage in it. However, we will wait and see what the Provinces say.

5. Cunningham has now given me a preliminary opinion on my enquiry about a general election in the North-West Frontier Province, which I mentioned in paragraph 4 of my letter of 20th December.[1] He thinks that a good deal depends on the attitude of the Congress, who are expected to send a deputation to Gandhi shortly to ask his permission to take office. If Khan Sahib is allowed a free hand, he might be able to establish a stable government. Otherwise the prospects are very doubtful. Cunningham says he will write again when the deputation has ascertained Gandhi's views and the Congress prospects are clearer.

[1] No. 156.

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6. I have kept you in touch by telegram with the developments on South Africa. Shafa'at apparently intended to make farewell speeches demanding the repeal of the three Natal ordinances and the Pegging Act; explaining that if the Union Government would only give Indians the franchise on a common roll, India would no longer "interfere in Union affairs"; and adding a forecast of further counter-measures by India, including the imposition of trade restrictions at any sacrifice. I have had instructions sent to him to refrain from dealing in his farewell speeches with the matters at issue between the Government of India and the Union Government, and I hope he will comply. In the meantime Mudaliar has given me a sensible opinion on the problem, and I hope we shall settle our reply to the Union Government about the status of the High Commissioner at a Council meeting on 12th January. The main case about trade relations will have to stand over, as Khare has gone down with influenza on tour, and I must discuss his summary with him before it is circulated. He will, I hope, be here for the meeting on 12th January, and if so, I shall be able to discuss the main case with him before I go on tour on 14th. But Council cannot consider it until after my return on 19th.

7. In paragraph 5 of your letter of 21st December[2] you mentioned the question of security in Bajpai's office in Washington and said you thought it would be wise for you to give the Foreign Office a full account of the action proposed. . . .[3] The leakage was not due to defects in the security system, but to the disloyalty or carelessness of a member of the staff—a risk which exists in all offices, and against which there can be no complete protection. But defects of system undoubtedly exist and are due to congestion in the Agent-General's office. At present, although (*i*) Top Secret documents are in the personal custody of the First Secretary, (*ii*) other secret and confidential papers are kept under lock and key by a senior confidential clerk, and (*iii*) papers are circulated in locked metal boxes, all typing has to be done in the general office, and secret and confidential files are handled there. It is now proposed to increase the accommodation so as to provide a separate room for secret and confidential typing and a separate registry for work of this kind.

8. I wonder if you have yet been able to reach any conclusions on my letter of 5th December[4] about the future of the Intelligence Bureau. It is not an easy problem, but I shall be glad to have your views as soon as you are able to send them.

9. I have recently approved proposals by Sultan Ahmed for a complete reorganisation of the National War Front. The Front is at present almost entirely non-official and there is considerable doubt about the efficiency of its working in some Provinces. Sultan Ahmed's scheme makes the working organisation entirely official, and gives each district in India a properly equipped propaganda van. Non-officials come in as members of Advisory Committees

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at various levels. The Provinces have naturally to be consulted before the scheme can be put into effect and I do not know yet what their reactions will be. There will be some opposition from some of the present non-official Provincial workers, particularly Sir Rustom Masani, who is the Provincial Leader in Bombay. Sultan Ahmed found himself in a rather difficult position, as he had summoned a meeting of the Provincial Leaders while his officials were working on the new scheme. I told him it would be very tactless to spring the new scheme on a meeting of Provincial Leaders before their Governments had given opinions on it, and that it would be equally difficult to avoid mentioning the scheme to the Provincial Leaders at all. He decided, I think rightly, to cancel his meeting and to await the views of the Provincial Governments. The scheme gives us a good propaganda machine under Government control, but, if the non-officials take a proper interest in it, with a more or less non-official outlook. From the virulence of the attacks of the Nationalist Press on the I. and B. Department, I should judge that our propaganda may be getting across!

10. I mentioned in paragraph 19 of my last letter[5] the proposals for the reopening of recruitment to the I.C.S. and the I.P. I approved a few days ago the draft of a letter from Conran-Smith of the Home Department to his opposite number in the India Office. I think this set the case out clearly enough, and that you will be able to telegraph your views and let the Government of India know whether you agree to discussion in Council.

[Para. 11, on the new Prime Minister of Baroda; and para. 12, on a proposed Lutyens Memorial, omitted.]

13. I have handed on to Firoz the suggestion that you made in your private telegram of the 2nd January[6] that he should not send private and personal telegrams to you and to other Ministers about official business. I am glad you mentioned this point.

[The remainder of para. 13, on distribution of responsibility for welfare work in India; para. 14, on employment for Dr C. L. Katial; and para. 15, on the passage arranged for Mrs Rikh, omitted.]

[2] Omitted from No. 158. [3] Personal comments and references omitted.

[4] This letter discussed methods of protecting intelligence sources and records if a 'political' government of the type proposed in the Cripps Offer was established at the Centre. Wavell Papers, Private Correspondence: Secretary of State, 1943–6, pp. 75–6.

[5] No. 178.

[6] Para. 2 of Mr Amery's tel. 3 of 2 January to Lord Wavell read: 'Firoz has shown a tendency more than once lately to correspond with me or with other Ministers here on a personal basis in regard to official matters. I am sure such practice on the part of one member of your Council is constitutionally improper and it certainly proves embarrassing; that is why I am replying through you in order that you may gently point out the error of his ways.' The remainder of the tel. dealt with the distribution of responsibility for welfare work in India. L/PO/10/18: f 133.

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16. I am having a strenuous week with the National Defence Council on three days, two Executive Council meetings, and an address to the Transport Advisory Council. I shall be glad to get off to the Terai on the 14th January.

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Mr Amery to Viscount Simon

L/PO/6/108b: f 268

10 January 1945

My dear John,

I read with interest your note to the India Committee.[1] Like you, I feel that, at any rate for some time to come, there must be at the head of the Government of India someone with wider knowledge than any Indian possesses and above all outside the communal controversy. That can only be the English Viceroy. On the other hand, if we were to start making any sort of new Constitution, even if we called it provisional, then Hindus would at once raise the question of why should there be an English Viceroy, while the Moslems would at once say that the door is being shut on Pakistan. The only solution to my mind which does not raise these issues is to leave the Constitution as it is, with all its internal structural and personal merits, but give India the moral satisfaction of being treated as a full equal in the Commonwealth.

While that makes a big difference in appearance both to India and to the world I doubt whether it really makes a very great difference in practice. We have reached the stage at which there are hardly any question[s], outside foreign policy, on which the Government of India does not in fact have the last word and on which we should never venture to override the Viceroy and his Council and risk resignations. On the other hand, as regards foreign policy, that is already done on give and take lines in consultation and I don't believe things would be very different if my proposals were carried out and the Viceroy, as his own External Affairs Minister, together with his Council, were in theoretically unfettered control. China may perhaps be the most difficult aspect, but as it is, our man, Menon, at Chungking gets on perfectly with the Embassy.

British forces have as a matter of fact been stationed in the Dominions without creating any special difficulty. We had some forces in South Africa after the Union and kept a battalion at Halifax for more than 30 years after Federation. We also at one time had a naval station at Vancouver Island as well as at Halifax and still have one at Simonstown. There will obviously have to be some definite treaty arrangement as to the extent to which British troops might be required for the purposes of internal order and such a treaty could be made much more conveniently with the existing Government and later on continue

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even if the form of Government were modified. As a matter of fact India is meditating a great increase in armed police to economise troops and I don't believe it will pay after the war to keep any British troops in India that are not primarily destined for fighting purposes.

Yours ever,

L. S. A.

[1] Appendix to No. 188.

191

Mr Amery to Mr Butler

L/PO/6/108b: f 267

10 January 1945

My dear Rab,

I have been reading your notes[1] on the Indian problem with the greatest interest, for it seems to me that our two great minds have come to very similar conclusions. I would put the matter briefly as follows. There can be no final conclusion for some time to come though even the final conclusion must have an Executive independent of the Legislature. Meanwhile it is no good our inventing a new interim Constitution for that will at once raise issues as to the nationality of the Viceroy and Governors and at the same time frighten Jinnah with the thought that the door is being shut on Pakistan. The only workable plan which doesn't raise these issues is to carry on the existing Constitution and I believe that that will be acquiesced in if, to use your word, we "give India some satisfaction over her nationhood". It is the wounding of her izzat by her inferior status that infuriates Indians the whole time. Every question, every debate adds fuel to the flame, for the underlying assumption all the time is that India is in fact governed from Whitehall. How far that is from being the real fact even today no one knows better than you. My own conviction is that the change I advocate would make very little difference to the substance of my own communications with the Viceroy. Even now the form is almost always purely consultative and the occasions on which the Secretary of State really tells the Viceroy definitely what he is to do or not to do are very rare indeed. In fact the occasions on which issues have come before the Cabinet and caused difficulties with the Viceroy or his Executive have almost always in my recollection been concerned with comparatively trivial things, like the announcement of the terms in which passive resisters in 1941 were let out,[2] or, more recently the tone of Wavell's letter to Gandhi just before he met Jinnah.[3]

[1] Appendix to No. 188. [2] Papers on this subject are on L/P&J/8/671.
[3] See Vol. IV, Chapter 3.

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I do believe most sincerely that if only the India Committee shared our view and we could get it past the Prime Minister we might set India on a reasonably fair course for a good number of years to come. There would be discussions within India about more Indianisation—always limited by communal fears—and no doubt the Viceroy would have to Indianise his whole Council presently and keep the Command-in-Chief outside it. Possibly too there would be a demand in places for Indian Provincial Governors. But all these issues would be debated with a sense of reality and with the knowledge that they have to be settled on the spot and not on the principle of baying indignantly at a distant moon.

Yours ever,
L.S.A.

192

Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: f 271

IMPORTANT INDIA OFFICE, *11 January 1945, 8.45 pm*
TOP SECRET

921. Superintendent Series. Your telegram 2387–S[1] of 27th September. H.M.G. consider that the best time for your visit will be towards the end of March. It is foreseen that until then War Cabinet will be much preoccupied with major issues of allied policy and will therefore be unable to give due attention to Indian question.

By that time it should also be apparent whether Sapru's Committee is likely to make any positive contribution.

Would you like me to get informal approval from Palace forthwith?

[1] No. 164; the date should be 27 December.

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Mr Amery to Sir S. Cripps

L/PO/6/108b: ff 253–5

11 January 1945

My dear Stafford,

I was interested to get your queries[1] on my memorandum.[2] They are certainly very directly to the point, but I can only say that what I am suggesting is an interim situation which cannot in the nature of things be wholly logical and, secondly, that similar difficulties would arise, and probably in a more aggressive

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form, under any Constitution which Indians have the slightest chance of reaching by themselves in the near future.

To take your points seriatim:

(1) It is perfectly true that for the time being the Governor General and Governors would be appointed—or indeed have already been appointed—by the Crown on the advice of British Ministers. But I would remind you that until after the Conference of 1926 that was still the case as regards the Dominions and was not regarded as a serious impairment of Dominion self-government. The essence of the situation was that, once appointed, they were there as the Crown within the Government of the Dominion concerned and in no sense as agents or representatives of the Dominions Office.

I remember a characteristic example when Byng refused a dissolution to Mackenzie King and the latter asked him to consult me as to whether he was right in doing so. Byng very rightly refused on the ground that his personal powers must be exercised on his own responsibility to Canada and that it would be contrary to Canada's self-government to be guided by a Minister of the United Kingdom. The powers of the Governor General within the Indian Constitution are of course considerably wider than those of a Dominion Governor General. But I want the same principle to apply, namely that it should be quite clear that any reserve powers exercised by the Governor General are exercised in his responsibility towards India and not in any responsibility or subordination towards anybody in this country. In other words the status of equality between India and this country would be preserved, though no doubt the internal Constitution of India would be a very different one from that of this country. But it is of the essence of the situation—and one must keep that in mind the whole time—that our constitutional system cannot work at the Centre in India.

You say that the directions to be given to the Governor General and Governors would be given by the British Government. I presume you refer to their "instructions". These are of course of a perfectly general character and very different from directions ad hoc on any particular issue. Nor as a matter of fact is it really essential that they should have any instructions in future. It will be sufficient if they interpret their powers in accordance with the existing Constitution. If there should be a break-down in Provincial Government the Governor would go into Section 93 after consultation with the Governor General. The Governor General would, however, not consult the India Office. I am not sure that in this respect, or indeed in most respects, the practical difference would be a very great one. In the recent case of Bengal the Cabinet were reluctant[3] to encourage Wavell in pushing on Section 93, but then Casey

[1] These 'queries' have not been traced in India Office Records. [2] No. 184.
[3] See Vol. IV, No. 320.

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himself was against it. More recently Casey has been inclined to favour it and Wavell been doubtful.[4] That is a question which I think is likely to be settled just as satisfactorily and just as responsibly in India as if it were brought here. After all, the Governor General is not only most closely in touch with the situation, but responsible for the general government of India, and therefore not likely to create unnecessary trouble for himself. It is the present situation that to my mind—and certainly to the mind of India—is irresponsible, when big issues are settled thousands of miles away by over-busied Members of a Cabinet[5] and above all by a Prime Minister who never reads the papers but is filled with violent and irresponsible prejudices.

As regards the future appointment of Governors General it may well be that, in view of communal differences, Indians will be well content to leave that matter at rest for the time being. On the other hand I see nothing inherently impossible in the Government of India being consulted with regard to a new appointment.[6] If that should take place we should remember that [the] Government of India is a Government which includes a Governor General with very wide powers and is not a parliamentary ministry. In other words if consultation is to take place it would have to be with the outgoing Governor General himself, or an acting Governor General, having a very strong, possibly decisive say in the matter, in view of his constitutional responsibilities for the safety and welfare of India. All I would say is that that problem may perhaps arise in the future under my proposal. It would arise from the very outset under any Constitution devised by Indians who might very probably rashly commit themselves to the complete abolition of the Governor General and all connection with the Commonwealth. The appointment of Provincial Governors, like that of judges, would, on the principle of making the least possible disturbance in the existing system, remain chiefly with the Crown. But, as you know, the ordinary Provincial Governorships, like judgeships, are really settled already by the Governor General at his discretion and only three of them are filled from here, naturally after some consultation with the Governor General. It doesn't seem to me to matter very much whether things in respect of those three remain as at present, or whether the decision may not ultimately rest with the Governor General himself. You will realise that in view of the federal character of the Government of India, and the natural jealousy of the Provinces in respect of their powers, the Provinces would certainly not agree to their Governors being appointed by the Central Government as such, or at any rate not unless they knew that the decisive word really rested with the Governor General.

(2) I think your difficulty there arises again from overlooking the difference between the Indian and the British Constitutions. Legislation as regards the Provincial field and in respect of Provincial powers is already—subject only

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to special war interference—within the exclusive purview of those Governments. As regards the Central Government you must keep in mind the fact that that Government is not a parliamentary one, and that its recommendations are not necessarily governed by the views of a parliamentary majority. If you will re[member] the declaration we made with regard to India's tariff-making power in 1921 was that we should not interfere with any tariff proposals on which the Legislature and the Government of India were in agreement. Similarly, what I am suggesting is that we should not pass legislation affecting India over India's head unless recommended by the Government and Legislature of India. I think it is a matter for discussion whether that should apply to the Constitution itself or whether we should not say that the existing Constitution must stand till a definite new Constitution is ready and Indians secure the measure of agreement which was postulated in the declaration of 1942. Doesn't your suggestion that Indians would at once demand a change in the appointment of the Governor General and Governors harp back to the preconception that we are dealing with a parliamentary Government? The only Government from whom we would consider a change in the appointment would be one in which the Governor General would be an assenting party, convinced that such a change was consistent with India's safety and welfare. As a matter of fact, given the communal issue, I am by no means so sure that that suggestion would be raised, at any rate as regards the Governor General. I have no doubt that in practice the eligibility of Indians for Provincial Governorships would very soon be raised. But after all we have had one full-fledged Indian Governor, Lord Sinha, and Indians have repeatedly acted as Governors for several months on end. That sort of change is bound to come about, but all I am concerned with is that it should come on evolutionary lines and in the absence of any sense of subordination to an authority outside India.

(3) I do not think, if I may say so, that there is much force in this. We already make all sorts of agreements on such matters as tariffs, military defence, aviation and what not with India on the basis that in these matters the Government of India acts entirely in Indian interests. Winston's complaint indeed always is that the Englishmen in India are more Indian than the Indians themselves, and personally I am proud to t[hink] that they are. When you say that the Government with which we should be making an agreement would be a purely appointed Government, appointed by a British Governor General, isn't that bringing in our British pre-conceptions once again? The Governor General no doubt may be selected from here as the best man for the job. From the moment he is appointed he ceases to be in any sense subordinate to the

[4] See Vol. IV, Nos. 555, 574 para. 4, 617 para. 4, and 639 para. 7.

[5] The words from this point to the end of the para. are enclosed within pencilled square brackets which may indicate they were omitted from the letter as sent.

[6] The following two sentences are enclosed within pencilled square brackets.

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Government here and is only concerned with the welfare of India. It is true that his Ministers (like American Ministers) are appointed by him. But even that only means that they are reasonably representative public men who are willing to serve India at his invitation. If they thought that the Governor General was using his powers in order to press them to accept something that was not in India's interests they could always resign and their resignation might put the Governor General in a very embarrassing position.

The fact is that the Governor General's powers under the present Constitution, though very wide in ultimate theory, cannot be exercised in practice except on very good grounds and with the approval or at least acquiescence of the bulk of Indian public opinion. What Indian public opinion resents is the idea, largely a mistaken one, that in these matters the Governor General is secretly influenced by instructions from the Secretary of State to do things which are not in India's interests but subserve British interests. As you well know there is very little of that taking place in fact. I do not know any Viceroy who would accept that position or indeed any Secretary of State who would not resign sooner than give instructions which he believed to be contrary to India's interests. The real trouble today is that Indian psychology is dominated by a sense of subordination and exploitation which is preserved by the forms of our constitutional relationship, but bears very little resemblance to the substance. My own belief is that if it were announced tomorrow that we should deal with India as we do with the Dominions it would make very little practical difference to the ordinary telegraphic and written correspondence between myself and the Viceroy (I leave aside of course the Crown representative), though it would put an end to nine-tenths of parliamentary questioning and debating and give a somewhat different character to discussions in Cabinet on Indian affairs, which would then be discussed as we discuss Australian affairs.

Yours ever,

L.S.A.

194

Minute by Mr Turnbull

L/PO/6/108b: ff 264–5

11 January 1945

S/S.

I feel very apprehensive that misunderstandings will be caused if you send your Memorandum on Indian Policy[1] to the Viceroy with your letter.

The Viceroy is being told[2] that he cannot come here till towards the end of March because the War Cabinet will be too preoccupied until then to consider these issues. He has *not* been told of the unfavourable view of his proposals

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taken in the India Committee.[3] If he sees the memorandum it seems to me probable that he will think you are working against his proposals. I know you have told him that you disagree, but he does not know that they have little chance of acceptance, & Mr. Attlee declined[4] to let him have the Cabinet papers which reveal this. It seems to me that the best chance of his accepting patiently the delay on which the P.M. has insisted, is if he thinks that the position as regards his own proposals will not be prejudged meanwhile in his absence. If that is so, then it would be much safer not to let him know that the India Committee are considering alternatives. He will not understand that this is only preparatory, & even if he does will say that he ought to be heard in the formative stages. If he were to telegraph to the Prime Minister to that effect & refer to your Memorandum in doing so, it would be exceedingly embarrassing. Even if he does not he seems to me to be bound to telegraph his views on your proposals.

He has shown no signs of agreeing with the broad proposition as put in your earlier letters & if he telegraphs strong dissent you could hardly withhold his views from the Committee.

Is it not much better to let your Memorandum be considered here as an alternative in reply to Mr. Attlee's request[5] & not put it to the Viceroy at all until the Committee have shown their attitude to it, & have examined other possibilities. If it has to be disclosed to the Committee later that the Viceroy has had your memorandum notwithstanding Mr. Attlee's ruling about the papers not being sent to the Viceroy would not that also be an embarrassing situation?

F.F.T.

The passage at A on page 2[6] goes some way to indicate that the Viceroy's plan has been virtually turned down & this is what the telegram[7] which Mr. Attlee drafted was careful to avoid doing.

[1] No. 184. [2] No. 192. [3] See No. 137. [4] No. 169. [5] No. 167.
[6] Mr Turnbull is referring to the sixth (unnumbered) para. of No. 184.
[7] See No. 155, note 5.

195

Mr Amery to Field Marshal Viscount Wavell (Extract)[1]

L/PO/6/108b: ff 249–51

PRIVATE AND SECRET *11 January 1945*

We have at last been able to get from the Prime Minister a definite date for your consultations with the India Committee, namely towards the end of

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March. As I said in my last letter,[2] Winston is going to be full up to the eyes with international conferences and war planning during February and the beginning of March and is not likely to give anything but a negative reaction to anything put to him while his mind is so preoccupied. In the interval the India Committee, which is also considering the Burma problem, may begin to get a little nearer to the essentials of the difficulties before us.

2. It is in order to make them face up to those essentials that I have drafted the memorandum[3] which I enclose. In view of the grave embarrassment that will be caused by even the remotest suspicion of what I have suggested, which of course has not yet commended itself either to you or to the Cabinet, I think you should keep the document strictly to yourself, or at most discuss it with Jenkins. The essence of the situation to my mind is that no permanent constitutional solution can be arrived at just yet, or, if it were, it would be a pretty disastrous one. Secondly, that there is no interim constitution for all India that we could devise that would not be taken by Jinnah as closing the door to Pakistan or would not be rejected with scorn by Hindu India. Consequently, the only solution is to carry on with the existing constitution until such time as Indians in a new atmosphere are agreed upon something better, and meanwhile get rid of the sense of inferiority created by the present relationship between the United Kingdom and India as India.

3. It is perfectly true that in the interim period the Governor-General still owes his initial appointment to the Crown on the advice of British Ministers. But that was also, even up to my time as Dominions Secretary, the practice as regards the Dominions and did not interfere with the fact that the Governor-General, once appointed, regarded himself as a part of the constitutional structure of the Dominion and in no sense as an agent of the Dominions Office. The time may of course come, supposing this provisional system to continue, when the selection of a new Governor-General might be on the recommendation of the Government of India, i.e. in practice that of the outgoing Governor-General, possibly after consultation with his Council. No doubt there are many conundrums that may be asked bearing on my proposal: all I would say about them is that they would arise even more certainly and in less satisfactory forms under the Cripps proposals as they stand at present.

4. The reference in the memorandum to criticisms I have made of your proposals for an interim political Executive refers to my long telegram[4] to you, suggesting various doubts and difficulties, which I have had reprinted for the India Committee. I have not raised any other new points in that connection. What I still feel is that in the present atmosphere the chance of your proposal coming to effect, or working successfully if it did, seems to me very remote. On the other hand, I should have thought the chance of its being acceptable

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and working would be much greater if Indian political leaders knew that, subject only to your personal reserve powers, the Government of India was in no sense under orders from here, and that your reserve powers were only exercised in accordance with your own judgment and responsibility for the safety and welfare of India.

5. However, I won't go further into these matters in this letter as the memorandum is full enough and self-explanatory. What I do feel is that we have somehow to give a new and somewhat dramatic turn to the whole situation, and I can see no other way of doing so. On the other hand, while my proposals at first sight are somewhat revolutionary, the revolution is, I believe, much greater in psychology than in actual fact, and would be the prelude not to any revolutionary change in the internal structure of India, but only to a gradual evolution. Anyhow, turn the thing over carefully in your mind and let me have your reactions. I have not yet had those of my colleagues on the India Committee, except Cripps,[5] who seems rather startled.

P.S.1. As one is not supposed to send Cabinet Papers outside I think it would be as well for you not to refer to my draft memorandum in any official telegram. There will be plenty of time, of course, for you to let me have your views on the subject at leisure by letter, and I could of course let the Cabinet Committee know later on whether you agreed or disagreed with my line of approach. In any case, I gather they are not likely to get on to the India question for some weeks, but are more likely to take Burma with a view to an early discussion with Dorman-Smith. I will of course let you know how the views of the Committee begin to shape themselves once they actually get on to India. As I have said already, I have no notion whether my line of approach would at all commend itself to them: nor would they, of course, in any case commit themselves to any final conclusion until they have the opportunity of discussing the whole matter with you personally. But I am sure that it is right that we should re-examine the whole question fundamentally and consider every possible line of approach before we come to any conclusion.

[1] Only this extract is on L/PO/6/108b. The letter is not reproduced in the Viceroy's print of his weekly correspondence with the Secretary of State (L/PO/10/22).

[2] No. 182, para. 2. [3] No. 184. [4] No. 52. [5] See No. 193, note 1.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 252

IMPORTANT NEW DELHI, *12 January 1945, 9.20 pm*
TOP SECRET *Received: 12 January, 8 pm*

81–S. Superintendent Series. Your telegram 921[1] of January 11th. I consider this delay most unfortunate but I suppose I must agree. What guarantee is there that there will not be major issues of equal importance at the end of March? I consider some settled policy in India is of urgent importance to future of British Commonwealth and hope Cabinet will not continue to postpone decision because the issue is troublesome.

2. Please get informal approval from the Palace. Meantime I will consider most suitable arrangement for relief of Colville who will be Senior Presidency Governor by the time I leave and will presumably act for me.

[1] No. 192.

197

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 131

IMPORTANT NEW DELHI, *14 January 1945, 2.45 pm*
SECRET *Received: 14 January, 3.15 pm*

No. 109–S. Superintendent Series. At his own request Bhulabhai Desai saw my Private Secretary by (? appointment) on January 13th afternoon.[1] He had not stated in advance the business he wished to discuss, but had told Private Secretary he might wish to see me later.

2. Desai began conversation by saying that he believed in co-operation with rather than opposition to British; that Gandhi with whom he recently spent two days supported or at least acquiesced in the suggestions he was about to make; that he had discussed these suggestions with Nawabzada Liaqat Ali Khan, Jinnah's Deputy, who approved them; and that he was confident that Jinnah had also approved them behind the scenes.

3. He then developed his plan as follows:

(*a*) I should send for him and Jinnah and ask them to assist me to form *Interim* Government at Centre. I could see him and Jinnah together or separately as I thought best.

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(*b*) He and Jinnah would then consult groups in Indian Legislature and submit list of nominees. Selection would be made by elected members of the Legislature, but would not be confined to members. He had not considered whether number of names submitted should be greater than or equal to number of portfolios.

(*c*) The League could be "squared" about communal proportions. Desai indicated equal number for League and Congress (40% each) and fair degree[2] (20%) for other minorities, but was not very definite.

(*d*) *Interim* Government would work within present Constitution, but all members except Governor-General and C.-in-C. would be Indians.

(*e*) There would be no commitments on long term solution. Jinnah would agree to a Government of the kind proposed without prejudice to Pakistan. Long term solution might be easier when *Interim* Government had been in office for a year or so.

(*f*) In Provinces Ministers now working would not be interfered with, though there might be adjustments based on party agreements with which His Majesty's Government would not be concerned. Section 93 administrations (? would) go, and Congress Governments would return to Office but would include League representatives by Party agreement.

(*g*) There would be no repeat no general elections at Centre or in Provinces.

(*h*) Detenus would not be released before formation of *Interim* Central Government. The *Interim* Central Government might decide to release them.[3] As there have been rumours for some days of agreement on these lines between Desai and Liaqat Ali Khan, I suspected this was coming, and told my Private Secretary to confine himself to hearing what Desai had to say, only asking such questions as were necessary to get his views clear. Private Secretary therefore did not raise question of support for (? war) effort or other questions likely to give the impression (? that he) was authorised (? to) negotiate. He informed Desai that he would report his views to me.

5. (sic) This development cannot be disregarded. I intend to see Desai on January 20th after my return from tour. Move is undoubtedly important and (? appears) to spring from a genuine rapprochement between certain Congress and League elements. The proposals put forward are moderate so far as they go at present. How far Gandhi and Jinnah really approve I cannot yet say, but Desai is an experienced politician, and is (? probably) sure of his ground. His plan hangs (? together) (? quite) well, except that method of selecting new members of Government is unsatisfactory, and I could not accept as a matter

[1] A note by Sir E. Jenkins of this interview is in Wavell Papers, Political Series, April 1944–July 1945, Pt. I, pp. 149–50.

[2] Wavell Papers, Political Series have 'allowance' here.

[3] Wavell Papers, Political Series begin para. 4 here.

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of course list prepared on these lines. Also I consider it would be (? necessary) to call representatives of other interests into discussion.

6. I should like to discuss proposals with Desai (? as) first step on assumption that His Majesty's Government would approve scheme of this kind if I was satisfied that it was genuine and provided reasonable basis for political progress without detriment (? to) war effort. I would report to you after seeing Desai with a view to further discussion with Jinnah and others if (? prospect)s appeared favourable (? and I) received authority from His Majesty's Government. I should (? propose) to inform present Executive Council as soon as negotiations were in sight.

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Mr Amery to Mr Attlee

L/PO/6/108b: f 248

SECRET INDIA OFFICE, *15 January 1945*

My dear Clem,

I enclose a copy of a telegram from the Viceroy received this morning, reporting a conversation between the Viceroy's Private Secretary and Bhulabhai Desai.

You will see that the Viceroy says at the end of the telegram that he would like to discuss Desai's proposals with Desai himself, on the assumption that the Cabinet would approve a scheme of the kind Desai suggests, which is very similar to the Viceroy's own plan.

I think we must clearly have an early meeting of the India Committee to consider what reply should go to the Viceroy. He is on tour until the 20th, but I should be most grateful if you could arrange for a meeting of the Committee to be held, if possible tomorrow, to consider this telegram.

The telegram is being circulated to the Cabinet.[1]

Yours ever,

L. S. AMERY

[1] Later on 15 January, Mr Attlee wrote to Mr Amery to say he was trying to arrange a meeting of the India Committee for the following day. L/PO/6/108b.

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Sir F. Mudie to Sir E. Jenkins

L/P&J/8/521: f 69

TOP SECRET NEW DELHI, *15 January 1945*

My dear Jenkins,

As I am to be away on tour, I give you my immediate reactions to Bhulabhai Desai's proposal contained in H.E.'s telegram of 14th January[1] to Secretary of State, of which you sent me a copy.

2. It seems to me that this is exactly what we have been working for. The move has come both from the Congress and the League. So there can be no question of H.E.'s receiving a rebuff. Also, it is very important that the move should have come from the leaders of these Parties in the Assembly. It is definitely right wing and gives an opportunity, which may never occur again of splitting the Congress.

3. I am a little sceptical about the genuine rapprochment between Congress and the League. They may both be jockeying for position. If so, and if for that reason the scheme fails, there is a danger that they both try to lay the blame on H.E. Nothing should, therefore, be done to give either side an opportunity to do this. In particular, I think that H.E. should accept in principle the proposition that he will accept Desai's and Jinnah's nominations of Congressmen and Leaguers to his Council. This does not, of course, preclude friendly discussion of a more or less private nature of the merits of the various candidates. If H.E. accepts the principle both Desai and Jinnah would, I think, be the more likely to listen to his suggestions regarding personnel.

4. Also, I think that there are possible dangers in H.E.'s proposal that he should consult representatives of other interests. As I see it the only other persons whom H.E. can bring into a discussion on "Ministry-making" are the leaders of those parties who are also to be represented in the "Ministry". In this case that would be the Depressed Classes, the Sikhs and possibly the Indian Christians (including possibly the Anglo-Indians). H.E. would presumably discuss with Desai and Jinnah the names of those whom he should send for as representing those communities. If they agreed to come in well and good; if they did not, H.E. would have to send for other leaders with whom Desai and Jinnah agree to work. But in my opinion it would be risky for H.E. to call a meeting of other interests until he had seen Desai and Jinnah and had discussed this question with them.

[1] No. 197.

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5. As a copy of H.E.'s telegram was sent to Menon, I am sending him a copy of this letter.

Yours sincerely,
R. F. MUDIE

200

Minute by Mr Churchill

L/PO/6/108b: f 239

16 January 1945

Prime Minister's Personal Minute: Serial No. C.9/5

Sir Edward Bridges
The India Committee of the Cabinet and Government should make a report on this new, sudden departure.[1]

W.S.C.

[1] [Note in original:] Suggestions put forward by Bhulabhai Desai for the formation of an interim government under the existing constitution to include the Congress and the Muslim League, and reported in the Viceroy's telegram No. 109–S [No. 197] of 14.1.45.

201

War Cabinet

India Committee. I (45) 1st Meeting, Minute 1[1]

L/P&J/8/521: ff 113–16

Those present at this meeting held at 11 Downing Street, S.W.1, on 16 January 1945 were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel;[2] *Sir Edward Bridges and Sir Gilbert Laithwaite (Secretariat)*

The India Committee met to consider telegram No. 109–S[3] dated 14th January from the Viceroy.

The Viceroy stated that at his own request Bhulabhai Desai had seen the Viceroy's Private Secretary, and had put forward a plan whereby the Viceroy would send for him (Desai) and Jinnah and ask them to assist the Viceroy in forming an Interim Government at the Centre. It was proposed that the Moslem League and the Congress should have 40 per cent. each, while 20 per cent. of the members would be allocated for other minorities. The Interim Government would work within the present constitution, but all members

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except the Governor-General and the Commander-in-Chief, would be Indians, and there would be no commitments on the long-term solution.

The Viceroy said in his telegram that this development could not be disregarded, but that he intended to see Desai on the 20th January after his return from tour. The Viceroy added that he would like to discuss the proposals with Desai as a first step, on the assumption that His Majesty's Government would approve a scheme of this kind if he was satisfied that it was genuine and provided a reasonable basis for political progress without detriment to the war effort.

THE SECRETARY OF STATE FOR INDIA said that the scheme raised two important issues. First, was Desai in a position to deliver the goods? On this it was clear that no Interim Government of the type contemplated could be set up if the Congress Leaders opposed it. The second point was that he thought that the Viceroy ought not to see Desai on the 20th January until the War Cabinet had reached provisional conclusions on the scheme. He, therefore, favoured postponement of the interview, or an arrangement whereby it should be of an elucidatory character only.

Discussion followed as to Desai's standing and reliability. The view generally held was that, while he might believe genuinely in co-operation with the British, it was very doubtful whether he had the capacity to deliver the goods.

On the fundamentals of the scheme proposed, the Committee observed that the present scheme, like those previously put forward by the present Viceroy, contemplated the establishment in the near future of a transitional or Interim Government at the Centre without any further steps being made towards a settlement of the constitutional issue. It thus contemplated putting into effect the second part of the Cripps' scheme without the first part.

It was emphasised that the step now proposed constituted a change, and moreover an important change in constitutional development. At the moment it was, in practice, the Viceroy who selected the members of his Council, and he stood to his colleagues on the Council very much in the position of a Prime Minister. The scheme proposed whereby the leaders of the two main political parties would consult groups in the Indian legislature and would submit to the Viceroy lists of nominees could, no doubt, be worked in such a way as not to interfere unduly with the Viceroy's choice of the members of his Council. One thing was clear, however, namely, that it was by a development of this kind of process that self-Government had developed in what were now the

[1] Minute 2 relates to Burma.

[2] On 16 January 1945, the War Cabinet Offices circulated a minute by Mr Attlee which read: 'The Prime Minister has agreed that the Earl of Listowel, Parliamentary Under-Secretary of State for India and for Burma, shall be invited to be present at the discussions of the India Committee.' R/30/1/5: f 110. Lord Listowel thereafter customarily attended meetings of the Committee by virtue of this invitation without, apparently, formally becoming a member of it.

[3] No. 197.

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self-governing Dominions. The step now proposed, if adopted, might well be the first step in a process of evolution which would carry us a long way, and it was important to consider the position carefully and see where it was leading us before we were committed to the proposed scheme.

Some doubt was expressed as to whether the importance of the step now proposed was wholly comprehended by the Viceroy. It was suggested that it should be made clear to him that the change now proposed was one which the War Cabinet regarded as far reaching and that it was not a matter which could be dealt with at very short notice.

Discussion then turned on the various points on which it was suggested that further elucidation was called for. The following were mentioned—

(*a*) Was it clear that Desai and those associated with him were prepared to give an assurance of full support to the war effort?

(*b*) Would the "quit India" resolution be withdrawn?

(*c*) The method of appointment of the Viceroy's Council. Was it clear that the method proposed was not intended to mean that the Viceroy would be asked to accept nominees of the main parties, but that the object of the method was only to provide means whereby names might be put forward, for consideration by the Viceroy, of men who would be regarded as suitable representatives of the main political parties.

(*d*) Would the new members of the Council be as at present collectively responsible; or would they be answerable to an outside caucus?

(*e*) How was it proposed that the "20 per cent. for other minorities" should be allotted? Was it clear that these would be selected by the Viceroy at his discretion?

(*f*) What assurance could be given that the Congress Leaders were prepared to support a scheme of the kind proposed?

(*g*) What assurance could be given that Jinnah was prepared to support a scheme on these lines?

(*h*) What was meant by Desai's statement that Jinnah would accept "without prejudice to Pakistan".

After some further discussion, the Committee agreed as follows:—

(1) The Secretary of State for India was asked to despatch an immediate telegram to the Viceroy asking him not to arrange an interview with Desai until instructions had been received from the War Cabinet.

(2) A report should be submitted by the Committee to the War Cabinet making the following recommendations—

  (i) that the Viceroy should not himself see Desai, but should arrange for a further interview between Desai and his Private Secretary;

  (ii) At this interview, the Private Secretary should put questions to elucidate the meaning of Desai's proposal. These questions should

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cover the ground referred to in (*a*) to (*h*) above, but no commitment should be entered into at this interview.

(iii) A report of the outcome of this interview should be made by the Viceroy before any further action was decided upon.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/521: f 240

IMMEDIATE INDIA OFFICE, *16 January 1944, 8.30 pm*

SECRET

1292. Superintendent Series. Your 109–S.[1] Desai. Cabinet have your telegram under immediate consideration, & I hope to telegraph to you in the next few days. Please do not therefore arrange personal interview until you hear further from me.

[1] No. 197.

203

Mr Amery to Mr Attlee

L/PO/6/108b: ff 231–3

SECRET INDIA OFFICE, *17 January 1945*

My dear Clem,

I understand that you are drafting a telegram for Wavell. Meanwhile I have also drafted something myself and send it along in case there are any points in it that you would like to include in your telegram.

I hear that the Prime Minister cannot manage a Cabinet meeting before 5.30 on Friday.[1] Meanwhile, weeks ago I had arranged to go down to my constituency in Birmingham tomorrow night and have had every hour on Friday from 10 a.m. to 10 p.m. booked up with interviews, deputations, a constituency dinner, visits to clubs, etc. This is in fact the second half of the only winter programme I have allowed myself in the constituency. In view of this do you think that you might persuade the Prime Minister to let your telegram go without having a Cabinet on it? After all, it is merely suggesting a number of questions for Jenkins to probe and does not raise any immediate issue of policy for Cabinet decision. The alternative would be a Cabinet on

[1] 19 January.

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Monday, but I confess that I feel that we ought to let Wavell have something further before then. Of course, if it comes to the worst, I could cancel all my Birmingham appointments, but it would not make me very popular doing so at the last moment.

Yours ever,
L. S. AMERY

Enclosure to No. 203

DRAFT TELEGRAM FOR CONSIDERATION BY THE CABINET

1. Your telegram[1] raises issues of the first magnitude and the Cabinet are very anxious that you and they should not be committed in any way before you have carefully tested the strength and nature of the bridge you are being invited to cross.

2. The Cabinet feel very strongly that you should really have more information as to what is proposed before you commit yourself and them even to the extent of a personal discussion with Desai, and that your next step should be for your secretary to have a further talk with Desai in order to secure a clearer picture on which you could indicate for Cabinet consideration your views as to further action.

3. Points which particularly appear to us to require elucidation are:

(*a*) What support can Desai show in Congress circles for his proposals and is there any evidence that it goes beyond the Congress members of the Assembly?

(*b*) What is the significance of Desai's (*h*) in your paragraph 3? If Congress Working Committee are not released till government is formed they will be in a position to torpedo it unless their support is first obtained.

(*c*) Does not this imply necessity at very early stage of making sure that Working Committee are behind Desai and will repudiate August Resolution and pledge themselves to war effort?

(*d*) Can Desai and Assembly Congressmen deliver the goods in regard to resumption of office in the provinces seeing that Provincial Congress Committees are controlled by Working Committee? (In this connection Gandhi's attempts to rebuild Congress organisation are relevant).

(*e*) Does not the above point to the necessity of probing the position of the Working Committee and how would you propose that this should be done?

4. We agree that Desai's proposals for selection of Executive Council are unsuitable. It would be well to elicit from him whether he means that parties in Assemblies would finally nominate their appointees or would put up panel

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of names from which you would freely select. It would of course be inadvisable in doing so to say that you could not accept Desai's proposal on this point or any other particular point, as that tends to imply that other points are acceptable.

5. It would be worth while to enquire of Desai whether as Council would be appointed by King under existing constitution implications of loyalty to Crown would be accepted.

6. Desai speaks only of Congress and the Muslim League. Would it not be essential for Punjab Muslims and non-Congress Hindus to be represented? For this purpose 20% for other minorities would be too small.

[1] No. 197.

204

War Cabinet

India Committee. Paper I (45) 7

L/P&J/8/521: ff 107–110

PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.I,
17 January 1945

I circulate, for the consideration of my colleagues, the draft of a Report on the Viceroy's telegram of 14th January[1] together with a draft telegram from the Secretary of State for India to the Viceroy designed to give effect to our recommendations.

2. I would welcome it if my colleagues could, if possible, let the Secretaries know by 8 p.m. today if they have any suggestions.

C. R. A.

Enclosure 1 to No. 204

DRAFT REPORT BY THE INDIA COMMITTEE

The Committee have considered the Viceroy's telegram of 14th January, 1945 (No. 109–S) to the Secretary of State for India reporting certain approaches made to the Private Secretary to the Viceroy by Mr. Bhulabhai Desai.

2. The genesis of these proposals is far from clear. They may derive from the Viceroy's conversation with Mr. Jinnah, reported in his telegram of

[1] No. 197.

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7th December, No. 2236–S.[2] Or they may be merely a response to the many invitations to the Indian political parties to put forward a solution of their own.

3. We invite attention to the following points:—

(*a*) In the first place, the scheme proposes to implement one part only of the Cripps offer, which was dependent on the acceptance of arrangements for a final solution of the general Indian constitutional problem. Although admittedly the proposal is one to work under the existing constitution, it must be recognised that a position might soon develop in which the constitutional position was altered. This possibility is reflected in the uncertainty of the terms of paragraph 3(b) of the Viceroy's telegram. It is not clear whether the intention is that the Viceroy should accept a list of Ministers from the political parties as if he were the Governor-General of a Dominion, or is merely to receive names from which he would make his own selection. The distinction is vital. If the former interpretation is correct, we should be embarking on a course which elsewhere in the Empire has led to full responsible government on the Westminster model.

(*b*) It is by no means clear to what extent Mr. Desai is in fact in a position to speak with any authority on behalf of either Mr. Gandhi or Mr. Jinnah. Nor is it clear how far Mr. Gandhi's assent or acquiescence carries with it the support of Congress. The suggestion (paragraph 3(*h*) of the Viceroy's telegram) that the detenus should not be released until the new Government had been formed, would leave it open to them to start a campaign for further concessions if no understanding on this point was reached.

(*d*) [*sic*] There is no guarantee as yet that if these proposals were accepted, Congress would be prepared to lend full support to the war effort.

(*e*) Nor is there any suggestion that as a part of the settlement as proposed Gandhi's Quit India Resolution would be withdrawn.

(*f*) The statement in paragraph 2(*e*) of the Viceroy's telegram that Mr. Jinnah would agree to a Government of the kind proposed "without prejudice to Pakistan" needs elucidation.

(*g*) Equally, we should be clear how the 20 per cent minority representation in the Council would be selected and composed. Would it cover non-Congress Hindus and non-Muslim-League Muslims?

(*h*) Would Indian officials be eligible for appointment to the new Council?

4. This is a very important matter. We are entitled to be clear as to what these proposals mean before we are asked to accept them. We think therefore that further exploration is called for. But we feel that it should not be by the Viceroy himself but preferably by his Private Secretary, to whom the original approach was made. It should, moreover, be entirely non-committal and

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confined to establishing the facts. It should cover the points we have mentioned above with any supplementary points which the Viceroy wishes to add. The position should be reconsidered when his reply is received.

5. At our request the Secretary of State for India has asked[3] the Viceroy to postpone any meeting with Mr. Desai until he hears further from the Cabinet. We attach, for the Cabinet's consideration, a telegram to Lord Wavell. But we feel that the turn which this matter has taken is an additional argument for the proposed discussions between the War Cabinet and the Viceroy being held if possible earlier than at present contemplated. For the risk, as we see it, of misunderstanding and of the situation taking an unfortunate turn, unless he is more fully seized of the mind of H.M. Government and of our general policy, is very great.

Enclosure 2 to No. 204

DRAFT TELEGRAM

SECRETARY OF STATE FOR INDIA TO VICEROY

War Cabinet have now considered your telegram of 14th January No. 109–S.

2. They agree that this approach needs very careful handling. They agree with you also that it is in certain respects unsatisfactory and obscure. Scheme involves conceding Interim Government which in Cripps offer was conditional on permanent constitutional settlement without any commitment as regards long term problem. Acceptance of it or even indication of readiness to consider it would thus deeply commit future. Accordingly, it needs most careful testing.

3. Main points on which War Cabinet desire fuller information to enable them to consider further are as follows:—

(*a*) We cannot reconcile paragraph 3(*b*) and paragraph 3(*d*). If intention is that Governor-General would accept a list submitted to him by political parties and would have no freedom of choice, as if he were the Governor-General of a Dominion, that would be wholly inconsistent with present constitutional position. Distinction is, of course, vital. If this were the intention, we should be embarking on a course which elsewhere in the Empire has led to full responsible Government on the Westminster model.

(*b*) We are not satisfied to what extent Desai is in a position to commit either Gandhi or Jinnah, or how far Gandhi's assent or acquiescence carries with it the support of Congress. The proposal that detenus should be released only after the new Government is in office would, failing binding assurances in respect of Congress, leave it open to them to start agitation for further concessions and provoke a break.

[2] i.e. 2256–S (No. 139). [3] No. 202.

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(*c*) Nor do we know where we stand as regards Congress support for the war effort.

(*d*) There is no suggestion that the Quit India Resolution would be withdrawn.

(*e*) We are not clear as to precise meaning of statement in paragraph 3(*e*) of your telegram that Jinnah would agree to a Government of the kind proposed "without prejudice to Pakistan".

(*f*) How would the 20 per cent minority seats in the Council be selected and composed? Would they include non-Congress Hindus and non-Muslim-League Muslims?

(*g*) Would Indian officials be eligible for appointment to the Council?

4. We feel that we must know exactly what the scheme means before we can consider it. We agree, that being so, to further exploration. But we think that this should be entirely non-committal; that it should be by your Private Secretary and not *repeat* not by you, and that you should remain in reserve until we know better how we stand and H.M.G. have been able to consider the situation. We would be glad if your Private Secretary could clear up points taken in paragraph 3(*a*) to (*g*) above with any others which you wish to raise. We will then consider as a matter of urgency on receiving your further report.

5. We feel sure that you will not misunderstand the caution with which we approach this matter. Desai's authority is by no means clear. He may well be a stalking horse, and we have to give weight to much besides the internal position in India in making up our minds.

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Mr Attlee to Mr Amery

L/PO/6/108b: f 210

PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.1,
17 January 1945

My dear Leo,

Thank you for your letter and draft.[1] You will by this time have received my draft which I think covers the points you raise.

I understood you thought it important not to keep the Viceroy waiting longer than necessary. I do not see how the matter can be disposed of without a Cabinet Meeting. I am sorry about your engagements but Friday is a working day.

Yours ever,
CLEM

[1] No. 203.

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206

Mr Turnbull to Sir G. Laithwaite

L/PO/6/108b: f 214

SECRET INDIA OFFICE, *17 January 1945*

Dear Laithwaite,

My Secretary of State would be glad if the Lord President would consider making the following alterations in the draft telegram to the Viceroy appended to I (45) 7.[1]

(1) For the last sentence of paragraph 3(*a*) read as follows:—

"If this were the intention we feel that the personal authority behind the Governor-General's reserve powers would be very much weakened at the outset and that we should in effect be committed to the principle of a Parliamentary Executive at the Centre".

(2) For the latter part of the second sentence of paragraph 3(*b*) read:

"failing binding assurances from the Congress Working Committee before release leave it open to them to start agitation for further concessions and provoke the break-up of the new Executive. It seems clear that unless the Congress Working Committee are prepared to take part in the scheme or at least endorse it—and that means the definite if tacit abandonment of the August 1942 Resolution—the scheme is bound to break down. Is it conceivable that the Congress members of the Executive would stand up against the influence of the Working Committee or that Provincial Governments would be resumed against their veto?"

(3) Paragraph 3(*f*). Add as a new sentence at the end:

"If so, the figure would hardly seem sufficient."

(4) Omit the whole of paragraph 3(*g*) and as a consequential amendment amend (*g*) to (*f*) in the last line but three of paragraph 4.

As regards the first proposed amendment, my Secretary of State feels that this expresses the point of difficulty better than the original wording. As regards the second, he attaches great importance to raising the point that the Congress Working Committee are the authority which can control the Provincial Congress organisations, which alone can take the necessary steps to restore ministerial government in the Provinces. As regards the omission of sub-paragraph (*g*), although this point was included in those raised at the meeting, my Secretary of State feels that it is not worth raising. The answer would probably be that officials would be eligible under Desai's scheme, though

[1] No. 204.

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clearly it is very doubtful whether the members of the Legislature would nominate them.

If the Lord President is agreeable to the first amendment in the telegram proposed above, then my Secretary of State considers that a consequential alteration is necessary in paragraph 3(*a*) of the draft report, the last sentence of which should read as follows: "If the former interpretation is correct, the personal authority behind the Governor-General's reserve powers would be very much weakened at the outset and we should be committed in effect to the principle of a parliamentary Executive at the Centre."

I am sending a copy of this letter to Burke.

Yours sincerely,
F. F. TURNBULL

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Sir G. Laithwaite to Mr Turnbull

L/PO/6/108b: f 212

SECRET WAR CABINET OFFICES, GREAT GEORGE STREET, S.W.1,
17 January 1945

My dear Frank,

Mr. Amery's letter of 17th January[1] has been laid before the Lord President.

2. He asks me to say that he agrees to Mr. Amery's first amendment.

3. As regards the second, he would prefer merely to add at the end of the sentence "If the scheme is to work in the Centre or the Provinces, full and official Congress Party acceptance and support would have to be guaranteed for it."

4. He accepts the third amendment.

5. He would prefer to keep paragraph 3(*g*).

6. He does not think it necessary to make the amendment in the draft Report proposed in the last paragraph of your letter.

7. You may care to know that except for the Chancellor, whose comments are still awaited, the paper has now been agreed by all the other members of the Committee.

Yours ever,
GILBERT LAITHWAITE

The Chancellor has now agreed.

J.G.L.

[1] i.e. Mr Turnbull's letter, No. 206.

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208

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 101

IMMEDIATE NEW DELHI, *18 January 1945, 1.5 pm*
SECRET *Received: 18 January, 10 am*

33–S. Superintendent Series. Your telegram No. 1292[1] January 16th. I have already arranged interview with Desai on morning of January 20th. But he has only been told that I should like a general talk with him on the suggestions he made to my Private Secretary on January 13th and I am not repeat not committed to detailed discussion or to negotiations of any (?kind). I propose to let the interview stand and if I have no definite suggestions[2] from you before it takes place will simply tell Desai that I thought his suggestions of sufficient interest to go over them with him personally. There will be no commitments. I had to fix the interview before leaving on tour as Desai had professional engagements and said that if I wished to see him he would like to know at once. Postponement of interview now might create misunderstanding.

[1] No. 202. [2] Wavell Papers, Political Series have 'instructions' here.

209

Mr Amery to Mr Attlee

L/PO/6/108b: f 209

INDIA OFFICE, *18 January 1945*

My dear Clem,

I enclose a copy of a telegram[1] received from the Viceroy. It replies to the one[2] I sent him after the India Committee[3] asking him not to make any appointment with Desai until he had heard further from me. You will see that he has already arranged to see Desai on the morning of the 20th and that the postponement of the interview might create a misunderstanding. This is very unfortunate. If you agree, however, I propose to telegraph to the Viceroy tonight to say that the Cabinet will be considering the matter on Friday evening and that I expect to send him a telegram late that night, which he should make certain of seeing before he meets Desai.

I have circulated the telegram to the Cabinet. It will necessitate some modification of paragraph 4 of the draft telegram.

Yours ever,

L. S. AMERY

[1] No. 208. [2] No. 202. [3] No. 201.

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210

War Cabinet Paper W.P. (45) 37

L/P&J/8/521: ff 99–100

India: Mr Desai's Approach to the Viceroy

REPORT BY THE LORD PRESIDENT OF THE COUNCIL, CHAIRMAN OF THE INDIA COMMITTEE

PRIVY COUNCIL OFFICE, S.W.1, *18 January 1945*

[*There follows the text of Enclosure 1 to No. 204*]

Annex I to No. 210

DRAFT TELEGRAM FROM SECRETARY OF STATE FOR INDIA TO VICEROY

[*There follows the text of Enclosure 2 to No. 204 with the amendments agreed by Mr Attlee in No. 207.*]

Annex II to No. 210

CYPHER TELEGRAM FROM VICEROY TO SECRETARY OF STATE FOR INDIA, DATED NEW DELHI, 14TH JANUARY 1945

[*There follows the text of No. 197.*]

211

War Cabinet

India Committee. I (45) 2nd Meeting

L/P&J/8/521: ff 94–6

Those present at this meeting held at 11 Downing Street, S.W.1, on 18 January 1945 at 7.15 pm were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel; Sir Edward Bridges and Sir Gilbert Laithwaite (Secretariat)

At their meeting on 16th January (I. (45) 1st Meeting)[1] the Committee had invited the Secretary of State for India to ask the Viceroy to postpone any meeting with Mr. Desai until he heard further from the Cabinet. Meanwhile,

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they had prepared a Report to the Cabinet (W.P. (45) 37)[2] to which was attached the draft of a telegram indicating the further information they wished to have about Mr. Desai's proposals, but suggesting that this should be obtained through the Private Secretary to the Viceroy and that the Viceroy should not himself see Mr. Desai.

The Committee now had before them a telegram from Lord Wavell (133–S of 18th January)[3] reporting that before receiving their telegram he had already arranged an interview with Mr. Desai for the morning of 20th January, with a request from the Prime Minister for their advice as to the reply to be sent.

A discussion followed as to the line to be taken in these circumstances.

The Committee felt strongly that it was unfortunate that this interview had already been arranged, and would have preferred if possible that it should be cancelled. If, however, the Viceroy was satisfied that that could not be done without creating undesirable misunderstanding, they agreed that it must be allowed to proceed.

They were unanimously of opinion that in that event it should be made clear to the Viceroy in polite terms that it was essential that he should adopt an entirely non-committal attitude in the interview, and that the importance of his avoiding anything which could be interpreted as committing the Government or himself, or as encouraging any expectation that Mr. Desai's proposals, with or without modification, were likely to be accepted, should be impressed upon him.

Some discussion took place as to the effect of the latest developments on the Committee's Report to the Cabinet circulated as W.P. (45) 37. *The general sense of the Committee* was that it would be best, if the Prime Minister approved, that consideration of this Report should now be deferred until the outcome of the interview between the Viceroy and Mr. Desai was known.

After further discussion the Committee—

(1) Approved the draft of a telegram to the Viceroy, a copy of which is attached to these minutes and invited the Lord President to submit it for approval to the Prime Minister.[4]

(2) Invited the Lord President to suggest to the Prime Minister that, given the latest developments, it would be more convenient to postpone consideration of W.P. (45) 37 until the outcome of the interview between the Viceroy and Mr. Desai was known.

[1] No. 201. [2] No. 210. [3] No. 208.

[4] [Note in original:] The Prime Minister subsequently approved the draft telegram which was despatched as No. 1509. [i.e. No. 212.]

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/521: f 98

IMMEDIATE INDIA OFFICE, *18 January 1945, 11.30 pm*
SECRET

1509. Superintendent Series. Your telegram No. 133-S[1] of 18th January. Desai.

1. The War Cabinet would have greatly preferred that direct contact between you and Desai should have been avoided at this moment. They recognise, however, that at this stage it may be impossible for you to put Desai off. If so they will raise no objection to your seeing him.

2. If an interview between Desai and yourself is now inevitable, the War Cabinet feel sure that you will recognise how necessary it is that the interview should not in any way commit either the Government or yourself; and that no encouragement will be given to any expectation that Desai's proposals, either with or without modification, will prove acceptable.

3. The Cabinet will be giving further consideration to this matter early next week.

[1] No. 208.

213

Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *18 January 1945*
Received: 27 January

I have just been to Northolt aerodrome and seen off Carton de Wiart, with Julian and young Archie, who spent last night with us—a really nice boy of whom you can feel proud. I expect you will have seen them before this reaches you, as I do not understand that they are lingering in the Middle East. Julian, by the way, has been adopted as prospective candidate for Preston in Lancashire, but I don't suppose that the question of a general election will crop up for some considerable time yet. That, at least, was my view last week: the Russian victories this morning may possibly bring about a rapid change in the picture. All the same, I imagine "logistics" will fix a limit to the distance the Russians can get even in this very big push.

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2. Desai's interview with Jenkins has obviously, if not created a new situation, at any rate advanced the old one some way, and, so far as it goes, strengthens the hopes you have been entertaining of a possible interim Government under the present constitution. The India Committee have met[1] and discussed it very fully. Their main conclusion was that there were still a great many points which it is desirable to elucidate further and that the process of elucidation might take place with less risk of your being committed if Jenkins, rather than yourself, conducted the next interview with Desai. In other words, they felt that the bridge should be further tested by a sagacious but lighter weight quadruped before my lord the elephant himself puts even a portion of his weight on an uncertain structure. That at any rate is what they are recommending to the Cabinet which meets tomorrow and I expect you will get a telegram to that effect with a good number of queries by the end of the week.

3. The most important point, I think raised by the different queries, and indeed raised in your own comment on Desai's proposals, is the latitude to be given to yourself in the choice of a new lot of colleagues. If the list is simply to be agreed between the parties for you to take as it stands, it does seem to me that this would from the very outset impair to some extent the personal authority which must always be a big part in the exercise of your reserve powers. Once that principle were admitted, it would be much more difficult for you to exercise those powers against a threat of collective resignation. Nor do I myself like the idea of selection by the Legislature as such, unless indeed it were definitely decided to adopt the Swiss system and select an executive by proportional representation in the two Houses, it being clearly understood that once they became members of the Council they ceased to be members of the Legislature as individuals and were in no way collectively responsible in the British sense. Rajagopalachari, I see, makes the alternative suggestion, for which there is much to be said, that the Executive should be nominated by the different Provincial Governments on the restoration of responsible government in the Provinces. An obvious *prima facie* objection to both these methods is that it would underweight the Muslims and might give no representation to the lesser minorities. No doubt that might be met by giving you a certain number of supplementary places to fill up yourself. On the whole, however, it seems to me much better that, if the scheme is to come off, it should be by informal discussion between you and the party leaders, with yourself having the last word both in the proportions of the different elements and as regards actual personalities.

But we told them that I told Desai this was unacceptable, didn't we?

W.

[1] No. 201.

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4. The emergence of this issue does, of course, to some extent sidetrack for the moment my more ambitious proposal, though the two are by no means inconsistent. My view at any rate would be that the chance of what you propose coming off and being worked loyally, with at any rate some measure of support or acquiescence by the Congress Working Committee, would be very greatly increased by the kind of declaration that I should like to see made. But I am not over-sanguine as to the extent of endorsement either of us is likely to get in Cabinet, or at any rate to get without a certain amount of delay. On the other hand, so far as your own visit here is concerned, it may be that this latest development may make it desirable that you should come sooner, in spite of Winston's preoccupations with the Conference of the Big Three. I dare say I shall be in a position to telegraph to you about that at the beginning of next week.

5. One point of which John Anderson makes a great deal and to which the India Committee are inclined to give weight, is that the Cripps proposals as regards an interim government were dependent upon agreement as to the general nature of the constitutional settlement. Personally I have never attached very much weight to this argument. In the August 1940 Declaration[2] we clearly contemplated bringing political leaders into the Executive (without conditions as to the future) as calculated to create an atmosphere in which the future constitution might be discussed with better hope of success. Again, Cripps certainly went on trying to secure an interim government even when he knew that the proposals for the future were not agreed upon, and it was upon the powers demanded for the interim government, and on that point alone, that the negotiations broke down. Anyhow, whatever may have been the consideration uppermost in the minds of some of my colleagues 2½ years ago, it is clear to my mind that no agreement on any future constitution is possible today, or likely to be possible until India has had some years of working the existing constitution. As you know, my feeling is that that existing constitution would work with much greater acceptance if my proposals were adopted. On the other hand, the acceptance of your proposals would in fact tend to bring about a similar situation, for it would make it even more difficult for the Cabinet or Parliament to interfere too much: only I should like to see India's independence *vis-à-vis* this country come about by a broad gesture rather than by a more gradual process accompanied by nagging. What I am feeling more and more is the unhealthiness of a situation in which I am supposed, on behalf of the Cabinet, to exercise an almost unlimited and detailed authority whereas in fact India is nine-tenths self-governing under her present constitution, but subject to the public irritation of question and debate in the House of Commons and the even more tiresome pinpricks of intermittent Cabinet intervention.

6. I have just this minute seen your telegram[3] saying that you have already

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fixed up your interview with Desai and that it would be embarrassing now to put it off. I expect I shall be sending you tomorrow evening the queries that the Cabinet would like raised and I hope they will reach you in time before the meeting. As a matter of fact they are pretty well all of them points that will have occurred to you anyhow.

[Para. 7, on a conversation between Mr Amery and Lady Reading, omitted.]

8. I have been interested in the recommendations[4] which Mr. Fowler of the Central Statistical Office has made for the improvement of your statistical arrangements as a result of his visit to India. This matter is of such immense importance as a basis for reconstruction and development in India, and recent events have so emphasised the lack of adequate statistical organisation, that I should like to bring Fowler's recommendations to your notice. If you should feel able to take some personal interest in this subject that would no doubt stimulate and help forward the right developments, and I shall be very interested to hear what decisions are taken on Fowler's proposals which seem to me so far as I can judge to be very much on the right lines. If there is any further advice or assistance that you would care to have from this end you have only to let us know, and we will ask the Central Statistical Office to provide it. I gather that Fowler has been rather uneasy over the interim administrative arrangements that have been made for the centralised collection and display of statistics, and in particular over the possibility that the Central Statistical Organisation might not be placed in a position of sufficient authority to be able to co-ordinate departmental statistics effectively. No doubt, however, your advisers will have in mind the importance of giving the organisation both an appropriate status and a suitably central and independent location within the governmental machine.

I remember hearing vaguely of a perambulating statistician, and wondering who had sent him and why.

W.

9. I was interested in what you say about the reorganisation of the National War Front in paragraph 9 of your letter of January 9th,[5] with a view to giving each district a properly equipped propaganda van. I believe half the trouble in India has arisen from the fact that Government has never had any propaganda on its own behalf and that, for half a century or more, practically the whole press has abused and misinterpreted it without any adequate reply. I believe it is essential, if India is not to fall into chaos, that the Government of India should in future have its effective voice and be able to let the truth get down to the

[2] Vol. I, App. I. [3] No. 208.

[4] A copy of the *Report by Mr R. F. Fowler consequent on his visit to India, November 1944* is on L/E/8/6706.

[5] No. 189.

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people by a vigorous use both of the broadcast and of machinery such as that of the propaganda van. Whether it ought not also to have its body of government-owned newspapers is another question. The kind of Government of India that I should like to envisage, i.e., Indian and widely representative in fact, but not under the control of political caucuses, might carry out many interesting and valuable experiments in that direction, if only it were free from the interference of question and debate by a Parliament ignorant of Indian conditions.

10. I now hear that Barrington-Ward has definitely decided to send Holburn back to Delhi, at any rate for a time, as soon as he is fit. He has not been at all well since he arrived here.

[Para. 11, on the forthcoming visit to India of Professor Merle Curti, omitted.]

12. To go back for a moment once more to the constitutional issue. The more I have seen of politics in most of Europe and the Middle East, the more convinced I am of the disaster which has befallen so many countries by trying to imitate the British system in which your legislator is also in control of the Executive, or at least spends his life in trying to secure that control or to upset the men who have got it. It means that the more unscrupulous the agitator, or the more effective and unscrupulous the caucus behind him, the better the prospect of securing power and the more certain the prospect of power falling into hands temperamentally unsuited to hold it. With us, the tradition of authority and compromise is so strong that even the boldest agitator, once he has drawn attention to his abilities, gets sucked into the Parliamentary atmosphere of serious detailed discussion and then into the atmosphere of administration and becomes a changed being long before he can get to the head of affairs. Think of the transmutation of Lloyd George, the noisy Welsh nationalist, via Board of Trade and Treasury into Prime Minister and head of a National Coalition. The Americans I think were lucky in breaking away from us before our present constitutional system had definitely evolved, and in basing theirs on that balance and separation of powers which they believed to be an essential feature of the British constitution. They, and the Swiss too, have definitely laid it down that the members of the Executive cannot be members of the Legislature, even if in the Swiss case they are actually selected by the Legislature, and cannot be ejected from their office by anything that the Legislature may do. Something of the sort is wanted in many countries and I think not least in India.

PS.—On receipt of your telegram saying that your interview with Desai was already fixed, the Cabinet Committee met,[6] and concluded that the only thing was to leave the matter to you; but to ask you not to commit yourself

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or the Government, as the whole matter still requires much fuller consideration by the Cabinet. The actual full Cabinet meeting fixed for today has consequently been put off to early next week, when no doubt we shall have your personal impression of Desai's scheme and such elucidation of it as you may have derived from your talk.

[6] No. 211.

214

Sir F. Mudie to Sir E. Jenkins (via Secretary to Governor of Bombay)

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt. I, p. 158

MOST IMMEDIATE *19 January 1945*
CONFIDENTIAL

No. 96. Following for Jenkins from Mudie:—

Begins. Desai's proposals. I was told today by President, Muslim League, Bombay,[1] who had just come back from Ahmedabad where he had been with Jinnah, that Jinnah knew nothing of Desai's scheme. Opinion of prominent Congressmen whom I saw this morning is that Gandhi had not authorised Desai's proposal though he might have agreed in some sort of general way that if Desai could come to some sort of arrangement with Liaqat he had no objection. It was considered very unlikely that Gandhi would use Desai as his agent in the matter. For information. *Ends.*

[1] Mr I. I. Chundrigar.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 97

IMPORTANT NEW DELHI, *20 January 1945, 10.55 pm*
SECRET *Received: 21 January, 5.45 am*

157–S. Superintendent Series. Your telegram 1509[1] January 18th. I had 45 minutes with Desai on 20th morning. I said suggestions he had made to my Private Secretary were sufficiently interesting for me to wish to hear them at first hand and elucidate certain points. I then asked him why he preferred his plan to the alternatives put forward by others, e.g., unofficial committee like that of Sapru, or official conference convened by Viceroy. He replied that

[1] No. 212.

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attitude of Moslem League toward the Rajagopalachari formula as shown during Gandhi-Jinnah talks made it clear that the committee or Conference could not settle communal issue. He therefore thought best solution was to get the main parties working together in the administration, and if this could be achieved he felt that communal and constitutional settlement might be easier.

2. I asked him about attitude of Gandhi and Jinnah. He said that Gandhi would approve and tell Working Committee he had done so. He also seemed quite sure of Jinnah, though he had not seen him, and relied on reports from Liaqat Ali Khan. He denies that proportion of 40% Congress 40% Moslems and 20% others had been agreed, but said he would accept equality between Hindus and Moslems if this proved essential to success, though he felt Hindus were entitled to a majority.

3. I said a provisional Government of which Congress members took orders from Gandhi or Working Committee and League members from Jinnah and Moslem League (?would be) quite unworkable. He agreed and said he never contemplated outside control of the Centre. But he was less definitive about the Provinces and said he could not answer for them in the same way.

4. I asked what guarantee there would be that provisional Government would support the war effort and maintain law and order. He said that main guarantee would be the judicious selection of members. Selection would be made by party members of the Legislature but persons selected would not necessarily be members of the Legislature. He agreed that final choice would have to rest with the Governor-General and His Majesty's Government.

5. I asked him how he thought the portfolio[s] would be allotted. He said he had not considered this but the Governor-General would have the final word after considering recommendations of the party leaders. I pointed out special difficulty of finding Finance and Home Members. He said he thought this not insuperable.

6. He was against any immediate attempt by Provisional Government to promote long term solution. In his opinion this would have to wait until the atmosphere seemed favourable.

7. He was against general election at the Centre or in the Provinces during the war. He said they would not discount change of composition[2] of Legislatures and were for obvious reasons undesirable.

8. I pointed out that it would be most unfortunate if any fresh move resulted in a setback and that considerable caution in considering and (?initiat)ing a move was necessary. He replied that continuation of present situation was more likely than not to lead to an upheaval.[3]

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9. I concluded by saying that I would take what he had said into consideration but that patience in solution of this difficult problem was necessary and final decision on most appropriate line to take rested with His Majesty's Government.

10. Desai's attitude was friendly and frank and he answered my questions without hesitation or equivocation. But how far he has really got substantial backing for his proposals or what Moslem League attitude really is I do not know and cannot find out unless His Majesty's Government authorise me to talk to Jinnah which would obviously be next step and if his attitude was favourable (? perhaps) to see them both together.

[2] 'materially change composition' in Wavell Papers, Political Series.
[3] 'was more likely than what he proposed to lead to an upheaval' in Wavell Papers.

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The Earl of Halifax to Mr Eden

Telegram, L/P&S/12/2634: f 26

IMMEDIATE WASHINGTON, *20 January 1945, 8.8 pm*
SECRET *Received: 21 January, 6.40 am*

No. 480. Following sent to New Delhi telegram No. 33 of January 11th. *Begins.*

Following from Agent-General.

State Department informed me on the 9th that it is proposed to appoint George Merrell as U.S.A. Commissioner in Delhi with personal rank of Minister. The President has approved and nomination will be submitted to the Senate and simultaneously be made public, as soon as Government of India's agreement is received. I understand that you informed Merrell in India that there would be no objection to change now proposed in his status. Please cable your views as soon as possible. State Department would like to submit name to the Senate within the next 3 or 4 days.

2. I am told privately that State Department intend that Commissioner should be permanent, representative of the President being temporary and filled *ad hoc* when circumstances require. They are unwilling, however to raise the matter officially with the White House at present as the President may consider proposal prejudicial to Phillips and may, therefore oppose it. Since there is no practical likelihood of Phillips returning to India, I would strongly advise that we agree to change in Merrell's status without enquiring as to what is to happen to the post of President's personal representative.

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3. Ambassador concurs in this telegram and has repeated it to Foreign Office who will inform India Office.

(Copies not[1] sent to India Office).

[1] Minutes by the India Office here read: 'What does this mean?' 'God knows'.

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The Nizam of Hyderabad to Sir F. Wylie

L/P&S/13/982: ff 125–6

PERSONAL AND CONFIDENTIAL HYDERABAD, DECCAN,
No. M.O.A.K. Nizam VII *20 January 1945*

My dear Sir Francis Wylie,

I have been watching with close attention and with some interest the political affairs of British India at the present time, more especially the noise that is being made with regard to the promised grant of "Dominion Status" to British India, the question as to what the future Constitution of India is to be, the failure of the Gandhi-Jinnah talks and the expression of different opinions on all sides with regard to that failure. In addition to all this, there is the remarkable incident that took place in the Chamber of Princes; the frequent allegations made by some of the Princes that their treaties have lost all value and that their rights are being overlooked by the British Government, in spite of their historic friendship with that Government whom they have assisted both in times of prosperity and adversity; that the treaties which the British Government had solemnly undertaken to observe have in effect proved to be no better than scraps of paper and other statements of that kind.

(2) I have given careful thought to all these vital matters, but before I express my views thereon I wish, at the outset, to make it clear that I have no personal connection with any of these affairs. My connection is primarily with my own State which in size and importance is the Premier Indian State and has been acknowledged as such by the British Government. Next, but in a lesser degree, my connection is with the "Princely Order". For although I am not a member of the Chamber of Princes, yet I have always taken keen interest in the affairs of that body as is well known to the British Government. Least of all I am concerned with British India. Nevertheless, I have been watching its political affairs with interest as I have already stated.

(3) After having made my position clear, I now wish to set out my views.

As the two major communities (Hindus and Muslims) are unable to come to terms, it appears useless to expect them to draw up a joint Constitution and

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submit it to the British Government for consideration so that "Dominion Status" may come into operation as a workable arrangement. On the other hand, time is being wasted in the vain hope that some day or other these two parties will reach an agreement. In these circumstances, the best course, in my opinion, would be for the British Government to step in and make an announcement either now or after the war to the effect that as no understanding between the different communities of India has been possible, the Government has no alternative except to call a "Round Table Conference" in India as was done in England some years ago, to which all the important leaders of different communities would be invited so that they may confer together and arrive at some formula or agreement by common consent.

(4) If such a *Conference* proved abortive, the Government itself would be compelled to prepare a Constitution and impose it on India. If it did so, nobody would have any right to object as the Indian leaders had been given every possible opportunity of making an agreed Constitution themselves but had failed to do so and the matter could not be delayed any longer as this would adversely affect the administration of the country and it was not desirable that administration should suffer any more.

(5) Besides, it is necessary to hold a separate conference of Senior Princes to discuss their affairs and submit the report to the British Government for consideration, as far as it affects the "Princely Order", so that it could be found out, how their affairs could be fitted in the Constitution of India as far as it relates to the general policy governing the allied matters.

(6) There remains now the question of the treaties made with the Princes which is of a different nature as I have already said. The British Government might appoint a Commission consisting of independent men who could be relied upon to be impartial and who would at the same time be men of high position, to go into the treaties of all the Indian States and to express its opinion as to how far they needed to be revised and their terms modified so that this might be done with the consent of the contracting Parties. This is all the more necessary in view of His Excellency the Viceroy's declaration in connection with the Chamber of Princes at the time of the resignation of the Princes' Committee that the British Government still stands by the treaties made with the Princes, though they are affected by the progress of time, by usage and sufferance because conditions have altered since the time when these treaties were made.[1] It was right, no doubt, to a certain extent what was said in this connection.

(7) To be brief, if action were to be taken on the lines I have suggested, the difficulties of British India would be solved and the present stagnant and

[1] See para. 8 of Enclosure to No. 98.

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unsettled state of affairs remedied, while on the other hand the Princely Order would feel more satisfied with their revised treaties, so that the occasional outcry from that body will not be heard again about promises not having been kept or the treaties not being observed. In my private interview with His Excellency the Viceroy at Falaknuma during his recent visit to Hyderabad in the month of December last, I touched briefly upon some of these matters along with other subjects I discussed with him.

(8) There is one more point I would like to mention before I conclude. In view of modern changing times, the British Government, sometime ago, had announced its policy of "Indianizing" the Army in British India by appointing Indian Commissioned Officers to it of the highest rank besides doing the same thing in the civil administration of the country, no matter it be either in British India or in the Indian States. I think it is time now to put this policy into practical shape and effect. If this were done people in British India and the Indian States would be satisfied that British Government was sincere in its intentions and was carrying out what it had promised, thereby showing their *bona fide*[*s*] in all directions.

(9) I have considered it necessary to write to you about these important matters on the strength of our mutual friendship as you are the Political Adviser. In fact, I wanted to speak to you in Hyderabad on the subject, but it so happened that an interview with you could not be arranged. I am therefore sending you in writing my views on the subject for what they are worth whether right or wrong. For we have a saying: "When a man speaks he is either right or wrong in his views, still, in any case, he should not hesitate to express himself freely." I trust you will not mind my [? sending] this somewhat lengthy letter as I felt compelled to write to you after some hesitation.

(10) I am sending a copy of this letter for the information of Sir Arthur Lothian, as I generally have talk of this nature during my interviews with him.

With all good wishes,

Yours sincerely,

MIR OSMAN ALI KHAN

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War Cabinet

India Committee. Paper I (45) 9

L/PO/6/108b: ff 199–203

CONSTITUTIONAL POSITION IN INDIA

NOTE BY THE CHAIRMAN

PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.I,
20 January 1945

I circulate for the information of my colleagues, an extract from a letter from Sir Tej Bahadur Sapru to the Minister of Aircraft Production, dated 7th January, 1945,[1] together with a copy of the questionnaire issued by Sir Tej Sapru's Conciliation Committee.

C.R.A.

Enclosure 1 to No. 218

I had for long been of the opinion that a committee should be appointed either by Government or by people themselves to investigate as coolly and as objectively as possible the entire constitutional and communal problem. I did not believe that an All Parties Conference held at this juncture would lead to useful results. During my visit to Mr. Gandhi on the 9th of November last I made this suggestion to him and waited for his reaction. To my agreeable surprise he readily welcomed this idea and offered to co-operate with it. I then persuaded the Standing Committee of the Non-Party Conference to appoint this committee. Unfortunately we have been compelled by circumstances to make the committee somewhat larger than we originally intended. Nevertheless I can tell you that when we met for the first time in Delhi between the 29th and the 31st of December last to settle certain questions of procedure and a questionnaire, every single member approached every question with an open mind and the conclusions were unanimous. We settled the questionnaire which we have now issued to the press and sent copies of it to important leaders and political associations in the country. I am enclosing herewith a copy of it for your information. You will see from it that we have not excluded from our enquiry questions relating to Pakistan or questions relating to non-Parliamentary type of Government or even indirect electorates.

[1] Sir S. Cripps sent Mr Amery a complete copy of his letter from Sir T. B. Sapru on 17 January. The first para. and the last three sentences of the letter, omitted from this India Committee Paper, are of no constitutional significance. L/PO/6/108b: ff 216–18.

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I am happy to say that the attitude of the Sikhs hitherto has been quite helpful and I am expecting response from the Hindus and other minorities even though they may not agree ultimately with our suggestions. Unfortunately however, Mr. Jinnah refuses to recognise us and has refused to see me as Chairman of the committee. Nevertheless it will not stand in the way of the committee as we have got the printed resolutions of the Muslim League, Mr. Jinnah's own speeches and correspondence which has taken place between him and Mr. Gandhi. I am approaching some Muslim leaders who do not belong to the Muslim League and already I have got some expressions of opinion from some of them. A committee like this to do its work thoroughly should require a fairly long time, but we have to work at great pressure under the existing circumstances. It is not intended that we shall draft a detailed Constitution. We shall discuss some of the outstanding problems affecting the Constitution with special reference to the Hindu-Muslim and communal issue.

I have been studying the Swiss Cantonal system and though I have not made up my mind with regard to that system I am approaching the whole question with an open mind. I have yet to study the Soviet system. I shall bring all these points of view to the notice of the Committee. The real question of difficulty which we shall have to face will be the question of the Centre. Mr. Jinnah wants no Centre of any kind. On the other hand, it is apparent to my mind that a vast majority of politicians would like to have some sort of a real Centre. The issue between the Muslim League and others, including the Hindu Mahasabha is a narrow one, but nevertheless, one of far-reaching consequences. The Hindu view is in favour of a strong Centre and this is shared by many other minorities. The Muslim League view is that there should be no Centre though they are prepared to admit, as appears from the correspondence, that there are some matters of common interest, such as, Defence, Foreign Policy etc., but what actually is the provision which they propose to make for the administration of these subjects of common interest, does not appear at all either from the correspondence between Mr. Gandhi and Mr. Jinnah or from the published resolutions of the League.

I should be grateful if you could kindly drop me a line referring me to the latest book on the Soviet Constitution. I have got a copy of Webb's book[2] in my library, but if there is any other which can give me an authoritative account of the Soviet system, I should be grateful to know.

* * *

(Sgd.) TEJ BAHADUR SAPRU

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Enclosure 2 to No. 218

THE CONCILIATION COMMITTEE

7 BARAKHAMBA ROAD, NEW DELHI, *4 January 1945*

QUESTIONNAIRE

ADOPTED AT THE MEETING OF THE COMMITTEE, AT DELHI, ON 29TH, 30TH AND 31ST DECEMBER 1944

PART I

1. What are the fundamental rights which should be incorporated in any future constitution of India? What machinery would you suggest for the enforcement of such of those rights as are not justiciable (enforceable by a court of law)?

2. (*a*) What steps are, in your opinion, necessary to secure an adequate share and equal opportunities in legislatures, executive governments and the services for Hindus, Muslims, Scheduled Castes, Indian Christians, Sikhs, Anglo-Indians, Parsis and other important sections of the population?

(*b*) Would you recommend in the case of minorities the establishment of (i) minorities' standing committees of legislatures, or (ii) independent minorities' commissions to deal with those rights which are not enforceable by a court of law? If so, indicate their composition, powers and procedure and their relations to the legislatures and executive governments.

3. Have you any suggestions to make for the adequate and early advancement of the Scheduled Castes, aboriginal tribes and those who are classified as backward classes in the Government of India Act, 1935, with a view to enabling them to enjoy equal opportunities in the social, educational and economic spheres of national life?

PART II

1. (*a*) What are your views regarding the claim of the Muslim League, as expounded by Mr. Jinnah in his letter to Mahatma Gandhi dated 25th September, 1944, for the establishment of an independent Pakistan state "composed of two zones, north-west and north-east, comprising six provinces, namely Sind, Baluchistan, the North-West Frontier Province, the Punjab, Bengal and Assam, subject to territorial adjustments that may be agreed upon, as indicated in the Lahore Resolution"?

[2] i.e. S. and B. Webb, *Soviet Communism: a new civilisation?* (London, Longmans & Co., 1935).

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(*b*) If you are agreeable to the establishment of such an independent state, (i) on what principles should its territorial adjustments and boundaries be determined and (ii) what machinery would you suggest for such determination?

(*c*) Do you consider that a plebiscite should be taken to decide whether an independent state of Pakistan should be established, and if so (i) should it be taken in the provinces mentioned above as they exist at present or after territorial adjustments? (ii) What should be the electorate, method and machinery of such a plebiscite?

2. In case there are to be two independent states in India, do you consider it necessary to make arrangements and devise machinery for the administration of defence, foreign affairs and like matters of common interest, and if so, indicate the nature of the requisite arrangements and machinery.

3. In case you do not agree to the Muslim League claim for Pakistan, what alternative scheme would you suggest?

PART III

1. What are your views on the question of the inclusion of Indian States in an all-India union?

PART IV

1. If you favour the establishment of a single union for all India, (*a*) on what lines should the functions of Government be divided between the centre and the units? (*b*) Should the residuary powers vest in the centre or in the units?

2. (*a*) Should a province of British India or an Indian State be given, as contemplated in the Cripps' offer, the liberty of not acceding to the new constitution of an all-India union?

(*b*) Should the exercise of this liberty be subject to the result of a plebiscite, and in that case, what should be the electorate, method and machinery for the plebiscite?

(*c*) If your answer to (*a*) is in the affirmative, at what stage and under what conditions should this liberty be allowed to be exercised?

3. After an all-India union is established, should the units of the union be given the right of secession from it and if so on what conditions?

4. Would you favour the realignment of the boundaries of the units in order to ensure, as far as possible, self-expression and cultural autonomy to different communities?

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PART V

1. (*a*) What should be the nature and type of the provincial and central executives? Should it be parliamentary or non-parliamentary, removable or irremovable?

(*b*) Do you think it necessary to secure representation of different communities in the provincial and the central executives, and, if so, how would you achieve this end?

2. What provisions would you suggest in relation to the composition of the central and provincial legislatures which would provide adequate representation for different communities and interests? Indicate your views regarding (*a*) franchise, (*b*) electorates, (*c*) constituencies, (*d*) method of election (direct or indirect), and (*e*) allocation of seats.

3. What provisions would you suggest for making amendments in the future constitution?

PART VI

1. What constituent machinery (with details of composition, powers and procedure) would you suggest for (*a*) framing and enacting the new constitution; and for (*b*) the transfer of power to the authorities established under the new constitution?

PART VII

1. Until such time as the new constitution comes into force, what changes would you suggest in the character, composition and working of the Executive Council of the Governor-General, either by suitable legislation or by the adoption, wherever necessary, of suitable conventions? (In this connection, attention is drawn to clause (*e*) of the Cripps proposals, reproduced below).

PART VIII

1. In the event of failure to agree on the part of different communities, would you suggest that His Majesty's Government should frame and enact a constitution for India, or what other course would you suggest?

THE FOLLOWING IS CL. (E) OF THE CRIPPS PROPOSALS

"(*c*) During the critical period which now faces India and until the new Constitution can be framed, His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the defence of India as part of their world-war effort but the task of organizing to the full the military, moral and material resources of India must be the responsibility of [the] Government of India with the

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co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India".

K. SANTHANAM
Joint Secretary

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 179

SECRET *21 January 1945*

3-U. Your private letter of January 11th.[1] I have read your memorandum[2] and while I agree with much of it see following grave objections to complete removal Parliamentary control before new constitution is at least in sight.

2. Firstly, if Parliamentary control were removed and no repeat no change made in character of Executive Council political effect would at best be negligible and at worst disastrous. Hindu politicians want not merely freedom for India but power for themselves and transfer of power to Governor-General and a Council consisting of men without political following or influence and with little sense of joint responsibility would in their view make normal [? nominal] grant of Dominion status quite valueless. Moslems would be acutely uneasy at removal of what in their hearts they consider their most important safeguard. Constitutionally also I am not clear where responsibility would rest. Neither Governor General nor Governor General in Council as [? under] new constitution could properly be made final authority. Present constitution at Centre assumes existence [? of] Parliament and H.M.G. in background and that they have a real part to play.

3. Second. Removal of control. Accompanied by change in character of Executive Council already proposed by me plan would almost certainly be acceptable to Congress and Hindus generally. The reconstituted Executive Council, as they would see at once, could make itself responsible to Legislature and plan would be very similar to what Gandhi demanded at his interview with Stuart Gelder.[3] It would be constitutionally intelligible but entirely unacceptable to Moslem and other minorities and dangerous from our point of view.

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4. I believe that proper way to proceed is by change of personnel at Centre as first step accompanied or followed by transfer of administrative side of India Office business to Indian High Commissioner and political business to Dominions Office, retaining Parliamentary control but on very loose rein.

5. These are my first reactions and if you want a considered letter covering whole ground you must permit me to consult Home Member, Political Adviser and Reforms Commissioner. I am certain my advisers will agree on the two main principles that you cannot build politically on Executive Council as now constituted and that removal from Parliamentary control before a new constitution is in sight would be entirely unacceptable to Moslems and dangerous in other ways also.

[1] No. 195. [2] No. 184. [3] See Vol. IV, Nos. 577 and 581.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/25

CONFIDENTIAL NEW DELHI, *21 January 1945, 4.45 pm*
Received: 21 January, 2 pm

No. 153-P. My telegram No. 2344-S[1] of 20th December. Resignation of Chancellor, etc.

2. I have so far refrained from making move to end deadlock as for obvious reasons it is desirable that first move should come from Princes. I have on other hand been clear from beginning that if no move was forthcoming it would become my duty to take steps to restore Chamber of Princes machinery.

3. We should now take stock of position. However deadlock may be resolved we should see that Princes are left in no doubt that they committed serious blunder. Apart from discourtesy to myself and so to Crown ex-Chancellor deliberately deceived me and apparently his brother Princes as well. In addition it is essential to make it clear to Princes that technique of resignation does not pay and must not be repeated. Otherwise future constitutional discussions will be seriously handicapped.

4. It is now reasonably certain that Nawab of Bhopal's associates in incident were led to put their signature to resignation document by belief that I had refused to permit resolution about "treaty relations" to be discussed in Chamber.

[1] No. 154.

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Ex-Chancellor failed to inform Standing Committee of what passed at my first interview with him on December 3rd, which took place before Standing Committee had assembled. I am advised that if facts were revealed to general body of Princes approach from their side might be forthcoming at once.

5. Discontent of Princes at my alleged refusal to permit resolution to be discussed was reinforced by disappointment that demand for reference of dispute to Courts of Arbitration was not accepted. There can be no question of giving way about this demand which amounts to demand for enhanced political status. Nor is there room for concession on other points in Political Secretary's letter of 2nd December[2] to ex-Chancellor.

6. Incident has brought to my notice unsatisfactory condition of Chamber of Princes and Standing Committee which have both come to be controlled by majority of petty rulers. I propose if possible to induce some of senior Princes to resume association with Chamber. I would propose if you agree to send all 21 and 19-gun Princes—except Gwalior, Indore and Bhopal—letter text of which is contained in my succeeding telegram.

7. While there is no likelihood that senior Princes will respond to suggestion in draft letter advantages are:—

(*a*) that facts about resolution would get out;
(*b*) that time would be gained in which ex-Chancellor and his friends might think better of whole business;
(*c*) that I might be able to avoid sending for ex-Chancellor which will be construed not only by Princes but by public generally as climb down—even if no concessions are made in order to secure recreation of Chamber machinery.

8. There would still be nothing to prevent me at later stage from talk with Bhopal when I feel sure we can get *status quo* restored without difficulty. You will have noticed from papers enclosed with Political Secretary's letter No. 1/F. (A.)-M./45, dated 2nd January,[3] that ex-Chancellor has succeeded in exacting pledge that when re-elections are held same personnel as before will be returned.

9. Please telegraph if you agree.[4]

[2] Enclosure to No. 98 as amended by No. 118.
[3] No. 157 was one of the papers sent to the India Office under this reference.
[4] In tel. 155-P of 21 January Mr Griffin informed Mr Clauson that this tel., and the following tel., (No. 221) had been approved by Lord Wavell. L/PO/10/25.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/25

CONFIDENTIAL NEW DELHI, *21 January 1945, 4.45 pm*
Received: 21 January, 3 pm

No. 154-P. Following is text of letter referred to in paragraph 6 of my immediately preceding telegram:—

Begins. As $\frac{\text{Your Exalted Highness}}{\text{Your Highness}}$ will have heard an unfortunate incident has occurred to mar the cordial relations which have subsisted for so many years between my predecessors and myself and the Chamber of Princes. The details attending this incident have been published in the Press—not under my instructions and often very inaccurately. There is one point which I must make clear. The accounts which have appeared in the newspapers made much of an allegation that I refused to permit a draft resolution prepared by the Standing Committee on the subject of "treaty rights" to be discussed in the Chamber of Princes. This is incorrect. I did suggest to the Standing Committee that it was unwise in these difficult times to discuss so delicate a topic in the Chamber but—as I made clear to the ex-Chancellor before the Standing Committee met—I was perfectly ready to leave the matter to the Princes' discretion and to allow the resolution to be moved if they were anxious that this should be done.

It is not my purpose in this letter to discuss this regrettable incident. During my examination of the causes which led to its occurrence I have had it brought forcibly to my notice how unfortunate it is that the more important Indian States have so completely dissociated themselves from the deliberations of the Chamber of Princes. I think that this is a great pity at time when the closest possible understanding between the Crown Representative and all the Indian Princes is essential. I have in mind that when the war is over important discussions about the future constitutional arrangements in British India—arrangements which closely concern the Indian States—will inevitably be resumed. It would be of the greatest assistance to me if at that time I could have the advice and co-operation of a Chamber of Princes which was truly representative of the Princely Order. The purpose of this letter is therefore to ask $\frac{\text{Your Exalted Highness}}{\text{Your Highness}}$ if you can help me with your suggestions how this end can be achieved. (If there is anything which I can do to facilitate your own participation in the deliberations of the Chamber I assure you that my assistance will always be at your disposal.)

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Substitute in letter to Nizam of Hyderabad:—

(I realise that it might be difficult for Your Exalted Highness yourself to take a part in the deliberations of the Chamber but I shall value any suggestions you may make with the purpose of rendering the Chamber a more representative institution than it is at present.) *Ends.*

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Field Marshal Viscount Wavell to all Provincial Governors

Wavell Papers. Political Series, April 1944–July 1945, Pt I, pp. 162–3

TOP SECRET AND PERSONAL *22 January 1945*

I think I should inform you of recent development[s] in the political situation though they do not amount to anything definite yet.

2. After our Conference last August, and just before the breakdown of the Gandhi-Jinnah talks, I informed the Secretary of State[1] that it was the unanimous opinion of Governors that some positive move towards a political settlement must be made before the end of the Japanese war, and that the Commander-in-Chief, the Home Member, and my Political Adviser agreed with this view. I put forward certain proposals of my own, into the details of which I need not go at present.

3. I was informed[2] that the War Cabinet would not deal with the Indian problem until they had discussed it with me in person, and that the best time for a discussion would probably be the second half of March, when more urgent affairs may for the time being be out of the way. I am therefore likely to go home for two or three weeks in March and April. I have had no indication of what line His Majesty's Government are likely to take.

4. In the meantime there have been two moves in India—the appointment of the Sapru Committee, of whose proceedings you know as much as I do, and a move by Bhulabhai Desai, of which accounts have appeared in the newspapers.

5. It had been known for some time that Desai had had conversations with Liaqat Ali Khan, Jinnah's deputy. On 12th January he asked to see Jenkins, and Jenkins saw him on 13th.[3] At this interview Desai outlined a plan, which he developed further when he saw me (again at his own request) on 20th January.[4] This plan is briefly that he and Jinnah should be invited to form a provisional Government at the Centre. The Members of Council would be appointed in the usual way (i.e., on the recommendation of the Governor-General and Secretary of State by the King) but would be selected from a list

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made by Elected Members of the Central Legislature—though they would not necessarily be members of the legislature themselves. Agreement could and would be reached with the Muslim League about the communal proportions in Council—Desai himself would be prepared to allow the Muslims equality with the Hindus. There would be no change in the present constitution, but, except for the Governor-General and the Commander-in-Chief, Council would be entirely Indian. The formation of the provisional Government would be without prejudice to the long-term solution or to Pakistan; these thorny problems would not be approached until the provisional Government had been in office for some time. In the Section 93 Provinces, the Congress Governments would resume office, with League representatives added by party agreement. Ministries now in office would not be interfered with, though adjustments might be made in some of them by party agreement. There would be no general elections, Central or Provincial, during the war; and the release of detenus would be left for the provisional Government at the Centre and the Provincial Governments to deal with. The release of the Working Committee would not be requested at any rate until after the Provisional Government had assumed office.

6. I asked Desai a number of questions, but did not commit myself in any way, or give him the impression that his plan, with or without modifications, would be acceptable to His Majesty's Government. I have no idea what real backing he has from Gandhi, or what Jinnah's views are; and it would be impossible to go any further without sending for Jinnah, which I do not at present propose to do. I have, of course, reported Desai's plan to His Majesty's Government, and they may give me instructions to pursue the matter, but I think it most unlikely.

7. The position thus is that no negotiations are in progress with Desai or anyone else, and that His Majesty's Government is unlikely to come to a decision on policy until April at the earliest. Your attitude on matters such as the Congress revival in your Province should not be influenced by reports that some important change is about to take place.

8. Will you please send me a simple acknowledgment of this letter,[5] and ensure that it is not seen by anyone except yourself and your Secretary? I shall be grateful if you will not refer to it in other correspondence.

[1] No. 19. [2] See Nos. 155, note 5 and 192. [3] See No. 197. [4] See No. 215.
[5] The Governors' acknowledgements are not printed in Wavell Papers, Political Series.

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War Cabinet

India Committee. Paper I (45) 10

L/PO/6/108b: f 198

India Policy

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *22 January 1945*

I circulate for the information of my colleagues an extract from a recent publicity report telegraphed by the Government of India, and an extract from a letter written by Mr. Rajagopalachari to Sir Tej Bahadur Sapru's Committee.

L.S.A.

Annexure A to No. 223

EXTRACT FROM THE GOVERNMENT OF INDIA'S PUBLICITY REPORT FOR THE WEEK ENDED 20TH JANUARY

Persistent reports of the Desai-Liaqat Ali agreement, despite the League secretary's denial, about reconstruction of the Executive Council at the centre and restoration of the constitution in Section 93 Provinces, have been received more favourably than Mr. Rajagopalachari's suggestion for revival of the scheme of federation. It will be a triumph for "plain common sense", says a European observer. Available Right-Wing Congress opinion welcomes the report even though the solution means a "lowering of the flag". The agreement, it is remarked, would be "an acid test" of British sincerity. Another critic believes both the Congress and the League are in difficulties and anxious to prop each other up but seriously doubts whether the present political leaders can bring about any agreement which does not lead to fresh irritation.

Annexure B to No. 223

EXTRACT FROM LETTER FROM MR. RAJAGOPALACHARI TO SIR TEJ BAHADUR SAPRU'S COMMITTEE

It is not psychologically possible to create an atmosphere of reasonableness unless self-government on democratic lines, in some shape or other, is a settled fact, and such a form of government is functioning, until replaced by an agreed Constitution. I therefore appreciate the stand taken by the Non-Party Conference. The federal part of the Government of India Act of 1935 should, with suitable modifications, be introduced at once, with or without fresh provincial elections, according to the convenience of the British Government. I would

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prefer fresh basic provincial elections, so that if the federal part of the Government of India Act, 1935, can not be brought into force at once, during the interim period an *ad hoc* Central Executive may be constituted out of the Provincial Governments of eleven provinces, which should all be restored in replacement of Section 93 regimes. This *ad hoc* Central Executive should replace the present Viceroy's Council. This can be done with very little Parliamentary legislation, and may be statutorily vested with a fixed term of tenure.

If either of these things is done, and a Central Executive is constituted on a popular basis, there would be sanction for conciliation. An agreed Constitution on the basis of the declaration of His Majesty's Government of April 11th, 1942, will replace the interim arrangement. The parties will feel that, unless they come to an agreement, the interim arrangement will continue.[1]

[1] Mr Amery minuted on another copy of this extract: 'This is v. nearly my proposal'. L/PO/6/108b: f 208.

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War Cabinet

India Committee. Paper I (45) 11

L/P&J/8/521: f 93

PROVISIONAL EXECUTIVE AND PERMANENT CONSTITUTION

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *22 January 1945*

It may be convenient for the Committee to have a brief summary of the relationship of the Government's proposals for a permanent and for an interim solution of the Indian constitutional problem, and of the Viceroy's warrant for considering the reopening of the issue.

The Declaration of August 1940 no doubt assumed that the admission of India's right to frame her own constitution might affect the attitude of Indian political leaders towards joining the Executive. But it declared (paragraph 4) that the failure to bridge over differences should not, in the view of His Majesty's Government, postpone the expansion of the Executive Council. The Declaration ended by expressing the hope that "in this process (i.e. co-operation in winning the war) new bonds of union and understanding will emerge, and thus pave the way towards the attainment by India of that free and equal partnership in the British Commonwealth which remains the proclaimed and accepted goal of the Imperial Crown and of the British Parliament."

On the other hand, the members of the India Committee in drawing up the Declaration of 1942, and the Cabinet in endorsing it, both undoubtedly contemplated that the entry of the political leaders into the Executive would be

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consequential upon their acceptance of the broad features of the main proposal as regards the future status of India, and it was upon that assumption that Sir S. Cripps initiated his discussions. The actual Declaration itself did not, however, insist upon or, save by the order of arrangement, even imply, the dependence of the interim solution upon actual acceptance of the broad proposals for a long term solution. Nor did Sir S. Cripps himself regard the rejection of those proposals by the various parties as precluding him from conducting the subsequent negotiations for an interim government. He no doubt felt that, while positive assent was impossible while each party was still manoeuvring for position, participation in the Executive would, of itself, imply a certain acquiescence.

Since then, in spite of its formal withdrawal by Sir S. Cripps, it has been repeatedly stated that the broad principles of the Offer of 1942 stand and are the accepted policy of His Majesty's Government. Nothing in those reaffirmations would suggest that we are not equally ready to discuss an approach to either half of the problem.

In any case it was exclusively upon the interim line of approach that Lord Wavell's original proposal was based. That proposal, as defined in my memorandum (W.P. (43) 435),[1] was accepted by the India Committee, subject only to the dissent of the Secretary of State for War, on the footing that "the Viceroy-Designate should be given a general authority to study possibilities of attempting to break the present deadlock in some such way as he has suggested".

The War Cabinet, at its meeting of October 7th, 1943,[2] did not definitely reject the recommendation of the India Committee. But it concluded that, while it was always open to the Viceroy to submit recommendations to the War Cabinet, it was doubtful whether there was any advantage to be gained by laying down too precise a course of action in advance. More particularly it considered that it would "be a mistake to remove from the Congress leaders the onus of making a disavowal of their present attitude" or to open up negotiations with Gandhi. It was, indeed, the Viceroy's proposal to take the initiative on this matter which aroused the greatest misgivings. To quote the summary of the War Cabinet discussion:

> "There was much to be said in favour of leaving the initiative, as it now remained, with the leaders of the Indian political parties. If, of their own initiative, they professed a genuine change of heart and expressed a desire to resume discussions of the constitutional problem, His Majesty's Government would be in a far stronger position to secure a fruitful discussion, and there would be much less risk of arousing controversy either within India or outside it".

A directive,[3] approved by the War Cabinet, was consequently issued to the Viceroy. In this he was instructed first of all to concentrate on the war and on

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the material and cultural conditions of the peoples of India. He was, however, also told to make "every effort to assuage the strife between Hindus and Moslems and to induce them to work together for the common good", and the directive ended as follows:

> "The declarations of His Majesty's Government in favour of the establishment of a self-governing India as an integral member of the British Empire and Commonwealth of Nations remain our inflexible policy. You will make, as occasion warrants, any proposals which you consider may achieve that end. You will not be deterred from making such proposals by the fact that the war is still proceeding; but you will beware above all things lest the achievement of victory and the ending of the miseries of war should be retarded by undue concentration on political issues while the enemy is at the gate."

L. S. A.

[1] This was the reference given to Enclosure to No. 155 in Vol. IV as amended by Annex to No. 159 in that volume.
[2] Vol. IV, No. 168. [3] Vol. IV, Enclosure to No. 172.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: f 178

INDIA OFFICE, *23 January 1945*

3-U. Your 3-U.[1] Desai proposal holds the field at the moment and I think you had better keep my memorandum[2] to yourself for the time being as background to more immediate project. I quite agree with you that our ideas might in effect eventually be combined somewhat on the lines of your paragraph 4. I shall comment more fully on your criticisms in my next letter.

[1] No. 219. [2] No. 184.

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War Cabinet

India Committee. I (45) 3rd Meeting, Minute 1[1]

L/P&J/8/521: ff 82–4

Those present at this meeting held in Conference Room 'B', Great George Street, S.W.1, on 23 January 1945 at 4.30 pm were: Mr Attlee (in the Chair), Sir John

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Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel; Sir Edward Bridges and Sir Gilbert Laithwaite (Secretariat)

The Committee met to consider Telegram No. 157–S[2] from the Viceroy, reporting the upshot of his talk with Desai on the 20th January.

The Committee compared the information contained in this telegram, with the questions asked in the draft telegram printed as Annex I to W.P. (45) 37,[3] (which, of course, had not been despatched to the Viceroy). Broadly speaking, no clear answer was provided to these questions. In particular there was nothing to show whether Congress would support the war effort. The question of how the members of the Viceroy's Council would be selected was not clearly explained in paragraph 4 of Telegram 157–S; and it also appeared that there had been no agreement on the proportion of "40% Congress, 40% Moslems and 20% others."

The Viceroy suggested in his telegram that he should now see Jinnah. Discussion ensued as to what would happen if such an interview took place. Several members of the Committee said that it would be impossible to confine the conversations to an answer to the question whether Liaqat Ali Khan had discussed Desai's proposals with him and whether Liaqat Ali Khan was right in reporting that Jinnah was favourable to a scheme on these lines.

The general view of the Committee was that it was undesirable that the Viceroy should see Jinnah at this stage. The most that should be done at this stage would be that the Viceroy's Secretary should see Liaqat Ali Khan, and sound him as to his grounds for believing that Jinnah was prepared to approve a scheme on the lines put forward by Desai.

In further discussion, several Ministers said that they were reluctant that we should become further involved in discussion of Desai's proposals until we had made up our mind a good deal more clearly what kind of solution of the Indian constitutional question we hoped to arrive at.

It was also felt that the information at our disposal as to the nature of Desai's proposals, and as to the degree of support behind them, and the extent to which they complied with what we regarded as essential conditions, was inadequate as a basis for any considered decision by the War Cabinet as to how this approach should be handled.

This led to the suggestion that the right course would be that a telegram should be sent to the Viceroy, on the lines of the points covered in paragraph 3 (*a*)–(*g*) of the draft appended as Annex I to W.P. (45) 37, explaining that the 'X' Government regarded these points as essential, and asking the Viceroy whether he was satisfied that he had got sufficient information on these points.

This telegram should make it clear that we assumed that the Viceroy was in agreement with H.M. Government in regarding these points as essential and

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that there could be no question of entertaining Desai's proposals unless and until we had received satisfactory assurances in regard to these points.

In particular, emphasis should be laid on—

(*a*) the importance of our knowing where we stood as regards Congress support for the war effort;

'X' (*b*) the constitutional issue covered by paragraph 3(*a*) of the draft telegram appended to W.P. (45) 37.

The telegram should also make it clear that the War Cabinet thought that the Viceroy should not, for the present, see Jinnah himself, but that there would be no objection to his Private Secretary making enquiries of Liaqat Ali Khan.

The telegram should emphasise that there was much to be said for allowing discussion of this matter to develop slowly.

The Committee—

Agreed to report to the War Cabinet on the lines of 'X' and invited the Lord President to submit a report and a draft telegram accordingly.

[1] Minute 2 relates to Burma. [2] No. 215. [3] No. 210.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 3. *23 January 1945*

Many thanks for your letters of 4th[1] and 11th January.[2] I am not treating the second of these as one of our weekly series for reasons which you will appreciate. I have telegraphed[3] to you some preliminary views on the main question discussed in it. I missed writing to you last week as I was away in the Nepal Terai, and my last letter was dated 9th January.[4]

2. I hope to send you a telegram within a few days about the proposal that Auchinleck should go home on a short visit. I agree, and so does he, that a visit would be very useful. But Lindsell has just returned, and Swayne is shortly to go to London, and Auchinleck feels that in a few weeks time operational prospects will be much clearer than they are now and that it would be better if he went rather later than you suggest. For reasons known to you it would be inappropriate for him to be absent in the second half of March, so his visit may not take place till April. You will have had my considered views before this letter reaches you.

[1] No. 182. [2] No. 195. [3] No. 219. [4] No. 189.

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[Para. 3, on obtaining advice from professional bodies in the U.K. on nursing in India, omitted.]

4. I have kept you informed by telegram of developments about South Africa, and am grateful for your help. Shafa'at did not take much notice of the instructions referred to in paragraph 6 of my letter of 9th January, and in one of his farewell speeches (I have not seen reports of any other yet) went a good deal further than I could have wished. But the speech does not seem to have excited any very violent comment in the Union, and as Shafa'at is due to leave within the next few days, I hope he will not have made things too difficult for Deshmukh. There has been a good deal of trouble about Deshmukh's passage. He declined to travel by air and sailings to South Africa are not frequent. He may now go on a naval vessel about 10th February from Colombo, and the Secretary, an I.C.S. official named Meldrum, will be in charge while no High Commissioner is in residence.

As I have told you in one of my telegrams,[5] the main South African case which concerns the Pegging Act, the three Natal Ordinances, and counter-measures by India will not now be taken in Council until after 17th February when I return from a tour in the South. Khare is particularly anxious that his proposals should be considered at a Council meeting with all the Members present, and though he would have preferred a decision before the Assembly meets on 8th February, so many Members will be away on tour up to the 4th February when I leave New Delhi myself that he thought it best to wait. The Assembly will probably discuss South Africa during the first few days of the session, and if Khare and the more emotional among his colleagues can restrain themselves, the postponement of the Council decision will be all to the good. If, on the other hand, they promise action before the session ends, the Council meeting may be a difficult one. Whatever efforts are made to settle in advance the line to be taken by the Front Bench, I can never be sure that some of the Members will not be carried away by their own feelings or other peoples'.

I hope that something may come of the conference idea. If Smuts sends a conciliatory reply to our last note,[6] which you thought a satisfactory statement of our case, I may be able to do something with Mudaliar whose views will carry great weight with my other Indian colleagues.

[The first sub.-para. of para. 5, on the Indian Mission to discuss supply difficulties in London, omitted.]

Raisman is again seriously worried about the inflationary threat, and our official telegram will include some information about this. Although in some provinces the prices of foodgrains are steady or showing a slight tendency to fall, there is a bullish atmosphere in other respects, and speculators are again at work. The immediate cause of this is probably the setback on the Western

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Front, but there may also be a growing appreciation that the end of the war will not be the end of our economic difficulties.

6. I have little to report on all-India politics. The Congress revival, to which I referred in my letter of 9th January, is now causing some anxiety both to Twynam and to Rutherford, and I have seen a pledge prepared by the U.P. Assembly of Congressmen for Independence Day (26th January)[7] which is on the old truculent lines. Twynam had to prohibit a Congress meeting at Jubbulpore and to arrest a local leader who was giving him trouble[8] and Rutherford proposes, with the concurrence of Mudie and myself, to rearrest five of his leaders who seem to be working up for a subversive campaign.

I have informed you by telegram[9] of Desai's approach to Jenkins and of my talk with him on 20th January. Before Desai saw Jenkins there had been a good deal of speculation in the press about his alleged agreement with Liaqat Ali Khan. His interview with me has led to further speculation; but this is inevitable and I made it very clear to him that I was not committing myself or His Majesty's Government to anything and that our discussion was not the opening of negotiations. The publicity with which all political moves are attended in India may have an unfortunate effect from Desai's point of view, assuming that he is serious and genuine and hopes that something will come of his suggestions as I think is the fact. If, as I suppose, he has authority from Gandhi to take soundings, and Liaqat Ali Khan has similar authority from Jinnah, premature publicity may lead Gandhi or Jinnah or both to say that they know nothing about the business. I must say that I hope His Majesty's Government will allow me to see Jinnah and ascertain his attitude, since I believe the approach is genuine and useful.

I have succeeded in stopping the suggestion that Rajagopalachari should visit the United Kingdom. As you know it came to me in a roundabout way through Wint, and having ascertained that there was no *prima facie* objection here, Wint had suggested to Gwyer that he might put Rajagopalachari in touch with the authorities of one or two universities at home. Gwyer is not a fast mover and had done nothing when your telegram[10] arrived. So I hope we shall hear no more about the visit.

7. An official telegram[11] has gone to you about the first move for a settlement of our dispute with the Princes. I have avoided a discussion with Bhopal who would, I think, like to see me to negotiate a settlement of some kind and then restore the *status quo* with himself as Chancellor. Wylie advised, in my

[5] 148-S of 19 January. L/P&J/8/302.
[6] Lord Wavell sent Mr Amery the text of the G. of I.'s note in tel. 93-S of 13 January. L/PO/10/25.
[7] Since 1930 Congress had celebrated its aim of Purna Swaraj (complete independence) on 26 January.
[8] See No. 187. [9] Nos. 197 and 215. [10] No. 186. [11] No. 220.

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opinion rightly, that we must first bring in some of the big Princes who disapprove of the Chamber and do not take an active part in its proceedings. Once they know that I did not prohibit the discussion of the resolution on Treaty rights (a fact which Bhopal seems to have concealed from his colleagues), we are almost certain to get their moral support, and although they may not change their attitude to the Chamber, they may have some useful suggestions to make.

I have not replied in detail to your letter of 28th December[12] about the small States, in which you suggest that we should not continue the correspondence, but that Wylie should go home for a discussion. I have, however, informed you by telegram[13] that it would be unwise for Wylie to go home immediately though I of course agree that a discussion would be very valuable once the Chamber "crisis" is settled.

I have also not sent a separate reply to your private letter of 14th December[14] on post-war development in the States. I agree generally with your views, and also with the suggestion in paragraph 8 of your letter of 4th January that Dalal should visit the bigger States and keep in touch with their governments. I understand that he will shortly visit Hyderabad and that other visits to States will follow. I am much less clear about the effectiveness of the All-India Advisory Council you mention in paragraph 15 of the same letter. The National Defence Council on which Princes sit with representatives of the provinces has had a very limited task to perform. It was really intended to steady public opinion and this object has to some extent been achieved because the members, all of whom are influential in one way or another, are given information which is not ordinarily published. But the discussions are not controversial and an All-India Advisory Council dealing with post-war development would have different objects and be an entirely different thing. Wylie is gradually establishing machinery for discussions between the States and the Central Government through *ad hoc* committees on which the States are represented not by the Rulers but by Ministers, and I think, though I have not yet consulted Wylie about this, that standing machinery of this kind would be preferable to an All-India Advisory Council which would probably lose itself in generalities.

8. Chhotu Ram's death is a very severe blow to the Unionist Party in the Punjab. He had real political gifts and had held the eastern districts of the province against the Congress for many years. He was in many ways narrow and rather fanatical, but I believe he was sincere and there is no one among the rural Hindus to replace him. Khizar came to see me on 20th January. In spite of Chhotu Ram's death he seems fitter and more confident than he has been for a long time. He had to take command at the last session of the Punjab Assembly without Chhotu Ram's support and I gather he did very well. This has probably made him feel that he has a fair chance of holding the Unionists

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together and that he can face the Budget Session with equanimity. He is anxious about the prospects of a political settlement for he feels that if the League got a substantial share of power at the Centre, he might have trouble in the Punjab. He is also disturbed at Aurangzeb's desire for a general election in the North-West Frontier Province. He was not at all pleased with the new proposals for the organisation of the National War Front, of which I gave you some account in paragraph 9 of my letter of 9th January. I suspect that in the Punjab where the organisers are largely honorary, Khizar has used the National War Front as a Unionist party machine. But he said very reasonably that when people have worked without pay or on nominal salaries for a couple of years with apparent success, it is ungracious to turn them out at short notice and that the Punjab Government would prefer to retain the present organisation with any equipment that the Government of India could spare added to it. Khizar is an attractive person who talks to one on equal terms. I wish he were more robust physically, for politics in the Punjab must be pretty trying, and a man of his position, with a considerable private fortune, must often be tempted to throw up the whole business and go back to his country estate.

9. The food position remains fairly satisfactory. I told you in paragraph 5 of my letter of 2nd January[15] that the Bengal Government were having trouble with their large stocks of paddy and rice. Srivastava's visit to Calcutta was a success. The Bengal Government have accepted a proposal that the Government of India should find the ways and means required to enable them to carry their stocks and continue their procurement programme, and should also share with them, roughly on a 50:50 basis, the trading losses on foodgrains over a fair period of time. I hope the turnover of stocks will now be more satisfactory, though the Bengal Government are still shy of releasing any considerable quantity for consumption in other provinces without a specific guarantee of replacement. Before Srivastava went to Calcutta I wrote to Casey and asked him to do his best to see that the discussion went well, and his active interest must have contributed a great deal to the satisfactory outcome.

We told the Sind Government some time ago to discontinue their export surcharges on rice. This is part of an old dispute about prices. The Sind Government contend that they have kept their prices lower than those in other Provinces, particularly the Punjab, and that they do not see why the Provinces which receive Sind rice should make a profit at the expense of the Sind farmer. Their idea is to add a surcharge to the actual cost and to fund it for rural development. There was something in this argument during the Bengal famine when distribution was admittedly uncontrolled and profits were taken by the Bengal Government and private dealers on stocks received from outside. But there is not much in it now, and Srivastava intends to insist on the abolition of

[12] No. 166. [13] See No. 166, note 4. [14] See No. 149, note 5. [15] No. 178.

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the surcharge. He may have a difficult job as Dow supports his Ministers in their claim, and is a formidable opponent.

10. I have been considering for some time certain possible changes in the organization of our Central departments. The main defects at present are that the Defence, Commonwealth Relations, and Posts and Air Departments do not give the Members in charge of them a full day's work; that we have not got separate departments for Education, Health and Agriculture though these subjects, especially agriculture, need undivided attention at the official level and probably by Members of Council also; that the responsibility for getting industry back on to a peace-time footing is not clearly defined between the Supply Department and the Industries and Civil Supplies Department; and that there is no co-ordination of economic advice, the tendency being for departments to employ economists of their own without reference to Gregory, the Economic Adviser. I am clear that we must make some changes if the Government of India is to deal with its post-war problems competently. But the shortage of administrative talent is so serious that satisfactory adjustments are most difficult. It is really a question of using the best Members and Secretaries on the subjects which from time to time need most attention. I think we could split the Defence Department between War and Home, and thus release a Member and a Secretary to take on Education. It might also be possible, if the affairs of the Supply Department and the Industries and Civil Supplies Department could be satisfactorily adjusted, to find a competent Secretary to take on Health, which could then be placed as a separate department under the Member now dealing with Commonwealth Relations. This would leave Jogendra Singh with Agriculture, but the officials dealing with the subject have not got the drive or imagination required and I should have to put in a really good Secretary to get the Department moving. The co-ordination of economic advice is perhaps a less urgent problem though it is rather disturbing to find departments putting forward diametrically opposed views on economic matters before any attempt has been made to reconcile them at the lower levels.

11. Is there any prospect of your being able to make a further move about Bajpai's status? You mentioned the matter in paragraph 13 of your letter of 31st August[16] and said you thought it might be possible to move again in six months time from then. You know the arguments for the change and I need not repeat them. I attach considerable importance to this matter.

12. While I was on tour Jenkins exchanged some private telegrams[17] with Turnbull about the Commonwealth Relations Conference.[18] I am sorry about the inclusion of Maqbool Mahmood. But Sultan Ahmed was under great pressure from Bhopal and the Jam Saheb, and had perhaps, though I am not sure of this, committed himself before he referred the matter to me. As the conference is not official I felt I could not reasonably turn Sultan Ahmed down.

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I am glad you will do what you can to let the members of our delegation see something of war-time England and to give some of them opportunities of speaking. I quite realise that they will be very busy during the conference and that time will be short, so we cannot expect too much. Caroe will see what we can do to reduce the size of the delegation.

[Para. 13, on the provision of scholarships to the U.K. for Indian students, omitted.]

14. I mentioned in paragraph 17 of my letter of 20th December[19] the possibility that a small party of Indian industrialists might visit Australia. Arrangements have now been made and the party will, I hope, leave very shortly. The Australian Government have also asked Pillai of the Commerce Department and Waugh of the Supply Department to visit Australia. When Pillai returns to India he will have been away from his department for several months and cannot go away again immediately, unless of course he decides to take the Washington appointment. If he stays on here in the Commerce Department Azizul Haque would probably let him go to Australia about April. The same applies to Waugh who is a member of Hydari's mission, and will have to be here for a few weeks after he returns. The Australian Government want to discuss post-war trade with Pillai, and the disposals problem with Waugh.

[Para. 15, on passages to India for British women, omitted.]

16. I will send you as soon as I can a copy of Part II of the "Bombay Plan".[20] I have not yet had Gregory's views on it, but at first reading it seemed to me a poor effort. The nationalist press are of course all in favour of it, but I do not think it will help us much. The Orissa Government have produced an ambitious 5-year Plan on the lines of that produced some months ago by the Bombay Government. It requires far more finance than is likely to be available.

[Para. 17, on visits to India by British industrialists, omitted.]

18. We had 5 days in camp in Nepal Terai. I liked old Joodha, the Maharaja, and he seemed in very good form, mentally and physically. I gave him a chance to talk business, but he only spoke of decorations for certain members of his family, a question which looms very large in the minds of the ruling Nepalese. The whole atmosphere was very friendly and I think the visit was a success.

It is attractive country. The shooting was very Viceregal, tigers and rhinos being, so to speak, handed to one on a plate (we got 12 tigers and 6 rhinos), but it was most interesting to see all the elephants—there were about 250 taking part in the shikar. A very enjoyable interlude.

[16] Vol. IV, No. 676. [17] Not printed. [18] See No. 165, note 8. [19] No. 156.

[20] A copy of *A Plan of Economic Development for India. Part II (Distribution—Role of the State)* by Sir Purshottamdas Thakurdas, J. R. D. Tata, G. D. Birla, Sir Shri Ram, Kasturbhai Lalbhai, A. D. Shroff and John Matthai is on L/E/8/2637.

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Sir B. Glancy (Punjab) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/248: f 120

SECRET *24 January 1945*

No. 544

3. I was much interested in the copy of your correspondence[1] with Casey about Pakistan. The answers given by Muslim League supporters to questions which I have asked them from time to time are no less elusive than appears to be the case in Bengal. The usual plea is that the Pakistan principle should first be conceded and then the details of its working will be explained. Muslim Leaguers are still trying to detach various individual members from the Unionist Party, but hitherto without much success. It remains to be seen what will happen when Jinnah comes to Lahore for the All-India Muslim League meeting.

4. The Akalis are still troubled by internal dissensions and the only bonds of union between the two main parties seem to be condemnation of Pakistan and abhorrence of communists. The Nagoke group with its leanings towards Congress appears to be for the time being in the ascendant.

5. Congress supporters are endeavouring on a fairly wide scale, as elsewhere in India, to rebuild the strength of the party through their Congress Assembly organisation. The Hindu Press is still paying a fair amount of attention to the Sapru Committee. I had a fairly long talk with Sir Jagdish Prasad when he came here with the Committee the other day. He deplored Jinnah's attitude, but said that the Committee had every intention of analysing and criticising Pakistan and any other schemes for separation. His own view appeared to be that the right solution lay in the pursuance of the Federal Scheme as embodied in the Government of India Act and he suggested that Government were to blame for shelving Federal negotiations when the war began. I reminded him that Congress had been very much to blame for making the Princes fight shy of Federation by their attacks on the States in general. He admitted this quite frankly and said that it was quite futile trying to argue with Gandhi when his Inner Voice jammed all outside communications as in the case of his Rajkot crusade.[2] He did not endeavour to deny that even if the Princes could now be brought round to accept Federation in India, not only the Muslim League but the Congress would probably be quite unwilling to co-operate, and he was evidently doubtful whether there would be any way out of the present political impasse short of a solution directly imposed by Government.

[1] Nos. 151 and 174.

[2] In March 1939, as part of a Congress campaign to bring about responsible government in the Princely States, Gandhi undertook a fast in Rajkot, a State in the Kathiawar peninsula. At his request

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Lord Linlithgow intervened, and the Chief Justice of India was asked to arbitrate between the Thakor Saheb of Rajkot and Gandhi, who thereupon broke his fast. He later issued a statement apologising for his action in attempting to put pressure on the Thakor and the Paramount Power by undertaking a fast, which he now realised had been coercive and therefore not in accordance with the principles of non-violence.

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War Cabinet Paper W.P. (45) 54

L/P&J/8/521: ff 80–1

INDIA:—THE VICEROY'S INTERVIEW WITH MR. DESAI

REPORT BY THE LORD PRESIDENT OF THE COUNCIL, CHAIRMAN OF THE INDIA COMMITTEE

PRIVY COUNCIL OFFICE, S.W.1, *24 January 1945*

On the 18th January we drew up a report for the War Cabinet about Mr. Desai's approach to the Viceroy (W.P. (45) 37).[1] Attached to our report was a draft telegram, setting out a number of points on which we felt that further information was required. We added that the exploration of these points should be carried out non-committally by the Viceroy's Private Secretary, and not by the Viceroy himself. At our request a telegram was sent to the Viceroy by the Secretary of State for India on the 16th January,[2] asking the Viceroy not to arrange a personal interview with Desai until he heard further.

2. On the 18th January, however, before our report could be considered by the War Cabinet, a telegram[3] was received from the Viceroy reporting that he had already arranged an interview with Desai on the 20th January. We accordingly met again[4] and settled the terms of a telegram to the Viceroy,[5] of which the operative paragraphs were as follows:—

(1) "The War Cabinet would have greatly preferred that direct contact between you and Desai should have been avoided at this moment. They recognise, however, that at this stage it may be impossible for you to put Desai off. If so they will raise no objection to your seeing him.

(2) If an interview between Desai and yourself is now inevitable, the War Cabinet feel sure that you will recognise how necessary it is that the interview should not in any way commit either the Government or yourself; and that no encouragement will be given to any expectation that Desai's proposals, either with or without modification, will prove acceptable."

[1] No. 210. [2] No. 202. [3] No. 208. [4] No. 211. [5] No. 212.

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3. A telegram has now been received from the Viceroy reporting the upshot of his interview with Desai on the 20th January. (See Telegram No. 157-S attached as Annex I.) It will be seen that in the concluding paragraph the Viceroy suggests that "it would obviously be the next step" for His Majesty's Government to authorise him to talk with Jinnah and that if Jinnah's attitude is favourable, he should perhaps see Jinnah and Desai together.

4. The India Committee do not recommend the adoption of this course, which might well be interpreted as showing that the Viceroy considered Desai to have greater authority behind his proposals than is at present established, and regarded them as affording a satisfactory basis on which discussions with Congress and the Moslem League might proceed. In fact, however, there is nothing to show that Desai's proposals satisfy the conditions which we regard as essential. Nor is there any assurance that his proposals have secured substantial support from Congress or the Moslem League.

5. We recommend to the War Cabinet that the draft telegrams (attached as Annexes II and III) should be despatched to the Viceroy. These telegrams embody the points on which, in our view, further information is required, and are intended to draw from the Viceroy an assurance that he is in agreement with the War Cabinet as to the points on which we must be satisfied before he has any more interviews and before Desai's scheme can be seriously entertained.

6. We also suggest that the Viceroy should be informed that, while we would see no objection to his Private Secretary making certain enquiries of Liaqat Ali Khan, he (the Viceroy) should not see Jinnah for the present, and that discussions on this matter should be allowed to develop slowly, and that no new move should be made until the War Cabinet has been able to consider the information asked for.

7. We attach great importance to this cautious approach since, unless this matter is handled with great care, we may well find that the Viceroy has embarked on a negotiation without due consideration of the conclusion to which this course of action is likely to lead, and from which there may be no escape without grave embarrassment and perhaps damage to the war effort, and without forcing His Majesty's Government into a position which would bring about a complete constitutional change in Indian Government.

C.R.A.

Annex I to No. 229

COPY OF A TELEGRAM DATED 20TH JANUARY, 1945, FROM THE VICEROY TO THE SECRETARY OF STATE FOR INDIA

[*There follows the text of No. 215.*]

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Annex II to No. 229

DRAFT TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA TO THE VICEROY

1. We are grateful for the account of your interview with Desai in your 157-S of the 20th January.

2. The version of his proposals which Desai gave to you seems in some respects less positive and satisfactory than that which he gave to your Private Secretary. In particular we note—

(i) that he denies that the proportions inside the new Council are agreed.
(ii) that there is no guarantee of full support from Congress or League for the war effort.

Full and formal guarantees of a binding character would clearly be necessary.

3. On receipt of your telegram No. 109-S[6] the War Cabinet had drawn up a list of points[7] arising out of Desai's proposals on which they are anxious for further information. Some of these were elucidated by your questions to Desai, but the replies to others are as yet vague. Cabinet have embodied in my immediately following telegram a list of points which they feel sure you will agree must be answered satisfactorily. The Scheme, in their view, needs most careful testing. It involves conceding interim government, which in Cripps' offer was conditional on permanent constitutional settlement, without any commitment as regards long-term problem.

4. It would be a great help to the War Cabinet if you would let them have a statement showing to what extent, as result of the discussions which have taken place so far, you yourself are satisfied that the points set out in the ensuing telegram are met by Desai's scheme.

5. The War Cabinet feel that, until they have an opportunity of studying the statement now asked for, and have a clearer idea of what is really involved in Desai's proposals, and whether they merit serious consideration, care should be taken to avoid any impression that we are in a hurry to take action in regard to this approach.

6. This indicates a cautious attitude, and we do not think it would be wise that you should invite Jinnah to come and see you at this stage. We suggest that it would be preferable for your Private Secretary, after a short interval, to take soundings of Liaqat Ali Khan in order to ascertain, without in any way committing you or His Majesty's Government, how far Desai's account of the attitude of the Moslem League in this matter can be relied upon. We note from paragraph 7 of your I. and B. Dept. telegram No. 705,[8] of the 23rd January,

[6] No. 197. [7] See No. 201. [8] L/PO/6/108b: ff 176–7.

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that Liaqat has said publicly that his talks with Desai had no political significance. In the meantime, it would probably also be better that you should not make further personal contact with Desai until you have heard from us again.

Annex III to No. 229

DRAFT TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA TO THE VICEROY

My immediately preceding telegram.

The following are the main points on which the War Cabinet would be glad of further information:—

(*a*) Your telegram makes it clear that you agree with us that support for the war effort is a condition precedent to participation in the Government by representatives of the political parties. How do we stand as regards this? Paragraph 4 of your 157–S does not, even in the light of its last sentence, appear to guarantee it. Full and binding assurances on this matter in respect of Congress and the Moslem League would, of course, be essential.

(*b*) We cannot reconcile paragraphs 3 (*b*) with 3 (*d*) of your 109–S, and position is still left obscure by your 157–S. If it is the intention that the Governor-General should accept a list submitted to him by political parties and would have no effective freedom of choice, as if he were the Governor-General of a Dominion, that would be wholly inconsistent with present constitutional position. Distinction is, of course, vital. If this were the intention, we feel that the personal authority behind the Governor-General's reserve powers would be very much weakened at the outset, and that we should in effect be committed to the principle of a Parliamentary Executive at the Centre. It is possible without altering the letter of the present constitution to change entirely its nature by the acceptance of conventions. We feel that in dealing with the legal-minded Indian, this point is very important.

(*c*) With reference to paragraph 3 of your 157–S, we are not clear whether Desai contemplates that Congress and Moslem League members of Executive Council would individually be subject to control by their party organisations. (The same problem arises in connection with the provinces.) Whether this will be so in fact depends rather on the spirit in which entry into the Government is made than on a specific pledge.

(*d*) We do not feel satisfied that Desai is in a position to commit Congress or Jinnah, or how far Gandhi's personal assent or acquiescence carries with it the support of Congress or only commits himself. The proposal that *detenus* should be released only after the new Government is in

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office would, failing binding assurances in respect of Congress, leave it open to them to start agitation for further concessions and provoke a break. If the scheme is to work, in the Centre or in the Provinces, full and official Congress Party acceptance and support to cover both would have to be guaranteed for it. How would you propose to secure this?

(*e*) There is no suggestion that the Quit India Resolution would be withdrawn.

(*f*) We are not clear as to precise meaning of statement in paragraph 3 (*e*) of your telegram (109-S) that Jinnah would agree to a Government of the kind proposed "without prejudice to Pakistan."

(*g*) How would the 20 per cent. minority seats in the Council be selected and composed? Would they include non-Congress Hindus and non-Moslem League Moslems? If so, the figure would hardly seem sufficient. Will provision be made to represent non-official Europeans in the 20 per cent.?

(*h*) Would Indian officials be eligible for appointment to the Council?

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *24 January 1945*
Received: 1 February

I thought Desai's talk to you, though naturally still a bit vague, on the whole not unsatisfactory and in some respects at any rate advancing beyond his talk with Jenkins. The points which the India Committee still felt not quite sufficiently reassured about[1] were, firstly, the extent to which he really was prepared to give an assurance of support for the war, and secondly, how far you were to retain some measure of real freedom in the choice of the proposed interim Executive. After all, it makes all the difference in the world whether you are to have a "take-it-or-leave-it" list with possibly just a right to veto some particularly objectionable person, or whether you would be free to choose from a considerably wider list in consultation with the party leaders. There is, of course, also the question whether those who join the Executive would from that moment on, regard themselves as primarily members of your Council and only in a lesser degree obliged to consider the views of their parties. They would of course in any case have to cease to be members of the Legislature if they already belonged to it.

[1] See No. 226.

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2. Obviously it is not worth while your exploring things further with Desai unless you have some idea that his account of what the Muslim League is willing to do corresponds with the facts. The Committee fully recognised that; but were rather inclined to suggest that you should let Jenkins see Liaqat Ali Khan first, rather than give the impression of over-eagerness by at once summoning Jinnah to talk to you. I dare say that is sound not only from the Indian point of view, but also from the point of view of bringing the Cabinet Committee and presently the Cabinet itself into line. The whole question is coming up before the full Cabinet tomorrow and I may be in time to add a postscript on the discussion.

3. To turn to the theme of my memorandum[2] and your brief telegram[3] of comment. I do not, of course, regard our two lines of approach as in any sense incompatible with each other. The essence of both is to make the present constitution of India more acceptable to public opinion. In so far as that is secured by bringing in active political leaders in support of the war effort and learning responsibility in action, that is all to the good. Conversely, anything that makes India and the world realise that what they are undertaking is in fact the government of India and not the mere carrying out of Whitehall orders, is no less to the good. I have begun at the one end feeling doubts whether you would ever get a real acceptance of office without some sort of declaration of India's status, while you have been more inclined to secure the acceptance of office and then to let India's greater freedom emerge in practice and gradually be realised, even if not confirmed by some sort of public declaration. For the moment at any rate your line of approach has become the immediate one as a result of an Indian initiative, and that removes many of the doubts which I felt about the initiative coming from you.

4. On the other hand, to come to the broad principle of what I am advocating, I confess your telegram makes me feel that I must have explained myself very inadequately and have at any rate failed to dispel from your mind that peculiarly British preconception with regard to "responsibility" which to my mind is the most serious obstacle to any real solution of the Indian problem.

5. We are all very much at the mercy of words, and there is in this connection no more misleading word than "responsible". In one sense it simply means "subject to the domination and control of a majority in the Legislature or of the party caucus behind it". If that or some such phrase were always used little confusion would arise. Unfortunately, the word "responsible" also conveys a moral conception. In that sense it has much less to do with control by somebody than with self-control, with a sense of moderation and duty, responsibility for others, and not to others. The success of what is called "responsible government" in this country has been due far more to the latter quality than to the former. What makes our system work is that the Government in power regards

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itself as responsible to the Crown: in other words, for the welfare of the nation as a whole. It regards itself as responsible for maintaining the traditions and compromises and free discussion of Parliamentary life. Only after that comes its responsibility towards the party on whose support it depends. Even there there is the correlative responsibility of the party to see that the continuity of government is preserved and that it does not embarrass or overturn the Government merely because it is not prepared to carry out the party programme.

6. None of these considerations has applied in many of the countries which have adopted our system of majority controlled Executive. Still less can it apply in India, where Hindus feel no real responsibility for Moslems, or *vice versa*, and where indeed the Indian politicians of all kinds have been bred in the irresponsible atmosphere of opposition. The conclusion which I have drawn from that, and which indeed was also the conclusion of the Simon Commission and in effect, so far as British India is concerned, of the Joint Select Committee, is that India cannot have a majority controlled Executive at the Centre, for that would at once involve Pakistan, and no doubt within Pakistan further secessions. After all, our system in the United Kingdom, when dealing with an element that was frankly irresponsible *vis-à-vis* the United Kingdom as a whole, resulted first of all in the disruption of the United Kingdom, and secondly in the disruption of Ireland.

7. We are therefore brought to the point that any Government at the Centre in India must, like the present Government of India, or the Government of countries like the United States or Switzerland, be based on the independence of the Executive from the Legislature, so far as administration is concerned, during its term of office. In the present mood of Indian politicians they are incapable of agreeing upon that or indeed any other form of all-India constitution. On the other hand, they would, I believe, be prepared to continue for a long time, perhaps indefinitely, on the present constitution, provided it were both Indianised and also free from interference by another member of the Commonwealth. It is at this point, I think, that the first confusion about the word "responsibility" is apt to arise. The President of the United States, once elected, is, within certain very wide limits, "responsible" to no one but his own sense of responsibility. The same is true of the Swiss Executive. The fact that both have originally resulted from some sort of democratic process does not alter the essential fact that for their period of office they are only "responsible" to themselves.

8. In the Indian system as now by law established, the general responsibility for government rests with the majority of the Council. But there is a special personal responsibility on the Governor-General himself which enables him

[2] No. 184. [3] No. 219.

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to overrule a majority where he considers that the essential interests or safety of India are affected. That is a personal responsibility which in fact is exercised by yourself most of the time without reference here and could equally well be exercised the whole time without reference here. My whole contention is that that responsibility is exercised less responsibly in the true sense of the word if you have to refer to a body outside India knowing little or nothing of Indian conditions.

9. You must not forget that this element of personal responsibility is an essential part of the attributes of the Crown. In this country it has gradually fallen into almost complete disuse; but no constitutional lawyer would deny that a residual element of it still exists and might be called into action, e.g., by a Ministry wishing for party purposes to prolong the life of Parliament. In the Dominions, again by usage, it is very narrow, but still wider than here. In 1926, when Byng refused a dissolution to Mackenzie King, he refused to agree to Mackenzie King's suggestion that I should be consulted, very rightly taking his stand on the point that his discretionary power was exercised on his responsibility for Canada and not on instructions from anyone outside. There was a similar case shortly afterwards in New South Wales, where the Governor dismissed his ministry after I had definitely let him know that he was not to consult me and that I would refuse to give him advice if he asked for it. The residuary personal power of the Governor-General in India seems to me to be of exactly the same character, though wider in scope. When you say that neither the Governor-General nor the Governor-General in Council could properly be made the final authority, my answer would be that it is precisely the Governor-General in his personal capacity who would and should be the final authority, and a much more responsible final authority than a Secretary of State at this end of the Cable. It is perfectly true that hitherto the Governor-General's Instructions have subjected him to control from here, but that is not an integral part of the constitution of India as it exists today, and the cessation of that control would still leave the Governor-General's personal responsibility intact.

10. I should have thought, differing herein from your comment, that making that aspect of the matter clear would be a better guarantee for the Moslems than the present position, when they are always afraid that the more effective propaganda of Congress will swing a party Government in this country in favour of a solution unacceptable to the Moslems. After all, under the situation which I envisage, they would be protected both by the proportion between the elements of the Executive on which you would insist and also by your power of vetoing any proposal which imperilled their interests. The same considerations which make against majority controlled government in India and for a wide field of personal responsibility for the Governor-General, also, it seems

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to me, are likely to make for acquiescence, at any rate for a long time to come, in a Viceroy who is neither Hindu, Moslem, Sikh, Parsee, or Scheduled Caste. That is why I regard my line of approach, revolutionary as it sounds, as essentially the most conservative.

25 January

[Para. 11, on the new Prime Minister of Baroda, omitted.]

12. In paragraph 5 of your letter of the 2nd January[4] you mentioned the paper prepared by Barley and others on a short-term food plan for India. Some little while ago a document—which appears to have been the same as the paper sent to Jenkins but which was understood to be only a draft of what the authors intended to say—was shown informally by Barley to one or two of my officers whom he happened to know personally. He asked for any advice or comments. The opinion they formed was very much on the lines of that which you give, namely, that the paper was interesting but not quite so original as the authors supposed. The advice that they gave to Barley—equally informally—was that it might be worth while both to make the paper rather less dogmatic and to focus attention more definitely on those points where the authors felt that they had something new to contribute or where they possessed a special degree of expertise. They understood that Barley and his friends would probably be preparing a revised version in the light of these comments (which they seemed to welcome) and of others that they might receive from elsewhere. I should think that there is everything to be said for your idea that the paper should see the light as a private effort by Hill or his collaborators. The more the subject is ventilated the better.

13. With my letter of the 30th November[5] I enclosed a copy of a letter which I had had written to the Ministry of Agriculture with regard to the recruitment of agricultural experts. I enclose a copy of the reply,[6] the substance of which has been telegraphed to the Department of Education, Health and Lands. It is a pity we cannot find experts from here, but I hope the approach to the Dominions will be tried and that it may be successful enough to influence favourably not only your agricultural problems but the general relations between them and India. I hope too that the inability of this country to help much at the moment will not deter the authorities in India from trying here again later on, when things here are a little more shipshape. In matters of this kind we hope we may claim that some forbearance may be exercised towards England, in view of the strain to which she has been subjected as being for over five years the main focus of the war effort.

[4] No. 178. [5] No. 122.

[6] Not printed. The Ministry of Agriculture stated that it was unlikely the U.K. would have men of the right calibre to spare in any numbers for the time being. The letter suggested the Govt. of India should approach Australia, New Zealand and Canada for experts before trying the U.S.

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[Para. 14, on a report on possible channels of leakage of Indian information in the U.S.; para. 15, on the personnel of the Indian Supply Mission in Washington; and para. 16, on the Secretary of State's new Political Aide de Camp, omitted.]

17. I shall be interested to hear in due course how the Provincial Governments and leaders react to the proposed reorganisation of the National War Front, to which you referred in paragraph 9 of your letter of the 9th January.[7] I know that the old organisation, though it undoubtedly did some valuable work, has been subject to a good deal of criticism, and it is no doubt essential to seek the maximum co-operation of Provincial authorities and bodies in an all-India campaign of this kind. The Information and Broadcasting Department will, no doubt, let my Office have details of the scheme in its final form.

18. I have just had a talk with Heaton Nicholls, the new High Commissioner for South Africa, who was Administrator of Natal when the original compromise agreement[8] was made, and was indeed the author of it. He brought me Smuts' telegram[9] which I have sent on to you. Smuts is no doubt the best judge of his own difficulties and is, I am certain, genuinely anxious to ease the position, so I think we must just accept his view that it is better to leave the question of a conference or delegation in abeyance pending the report of the Broome Commission. Nicholls tells me that if only the Indians had accepted the compromise at the start he could have got it through. But the difficulties they made over details took so many weeks, and the news that they were making difficulties offered opportunity for the extremists on the European side to work up feeling, with the consequence that by the time the question came up before the Natal Provincial Council it was quite impossible to get the agreement through in the original form.

19. I hope, by the way, that when Shafa'at comes back he will keep quiet and not start a campaign of interviews and speech-making in India, which will then duly get telegraphed out to the Indians in South Africa and keep the situation inflamed. I don't know how far it is possible for Khare to exercise influence in order to keep him quiet.

20. I was approached this morning by Arthur Greenwood, leader of the Opposition, who, without pressing the point himself, said he had been approached by various members of his party as to whether it would not be desirable for a Parliamentary delegation to visit India in the near future. I told him that my impression was that you would not regard this as a very favourable moment, but that I would write and find out your views. I am by no means opposed in principle to such a visit, given the right delegation and the right moment; the latter, I imagine, will be if anything had been done to break the deadlock and create a better atmosphere. Of that you obviously cannot

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judge until we find out whether the present Indian initiative will really lead to anything. Even if it is genuine you can hardly expect a Cabinet decision before you have come back, and that obviously means that a delegation could not very well visit India until after this next hot weather. Indeed with the uncertainties of an election in prospect, I doubt very much whether anything like a representative delegation of seven or eight members could be secured during the next few months.

21. There is a further aspect of the question to be kept in mind. These Parliamentary delegations within the Empire are a matter of invitation from the receiving branch of the Empire Parliamentary Association. The practice is that the inviting branch pays for all expenses, not only during the stay of the visitors in their country, but also for passages. The advantage of that is that it gets away from the difficulty, not only of confining delegations to the well-to-do, but of Parliamentary discussion as to the selection of delegates. On the other hand, as the various branches haven't as a rule large funds of their own, it means that the Branch concerned has to appeal to the Government for finance, and that in its turn may involve debate. I do not suppose that either the Legislature or Rowlands would make difficulties about the amount involved, providing the general atmosphere were favourable. But you can judge best when such a request by the Delhi Branch to your Legislature would be favourably received and not give rise to an unpleasant debate. Possibly the best thing would be for us to discuss the matter when you come home, and that meanwhile you might send me some postponing reply that I could communicate to Greenwood. He is a good fellow and not anxious to make difficulties.

22. I have just got your telegram[10] about Auchinleck and quite understand why you think it better for him not to come till a little later. The great thing is that he should come before long and renew personal contact with the people in the War Office. Meanwhile, I think Mayne is doing very well and keeping up good personal contact himself.

[Para. 23, on the title to be given to Sir Firoz Khan Noon's new wife, omitted.]

24. In paragraph 10 of your letter of the 2nd January you mentioned the question of celebrating the defeat of Germany. The view taken here is that

[7] No. 189. [8] See No. 95, para. 6.

[9] This tel., which was in reply to a joint personal message from Mr Amery and Lord Wavell to Field Marshal Smuts suggesting a high-level conference, read: 'You may feel assured that nothing will be said or done to prejudice an eventual satisfactory Indian settlement. Broome Commission is being continued and effort made to secure return of Indian members to it. It is hoped that Commission's report may present new opening and approach. Meanwhile question of special emissary or delegation may well remain in abeyance'. L/P&J/8/302: f 261.

[10] 178-S of 24 January. L/PO/10/18.

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emphasis must be laid on the fact that the end of the fighting with Germany will still leave us with a hard battle ahead against Japan, but nevertheless consideration is being given to the way in which this can most appropriately be done. Turnbull is sending to Jenkins a list of the recommendations which were drawn up by a small inter-departmental committee appointed to consider the question. All this is I think fully in line with your view that in India there should be celebration of the fall of Germany on the best scale you can manage under war conditions; but I agree that the reading of a Royal Proclamation as suggested by Colville would not be appropriate. I think it would certainly be desirable for you to broadcast to India, but if the King broadcasts here I should do my best to arrange for that to be at a time when it could be relayed to India.

26 January 1945

25. The Cabinet passed off peaceably and agreed to a couple of telegrams asking some necessary (and some rather futile) questions. Just before we met I saw the Associated Press statement by Jinnah disclaiming all connection with the Liaqat Ali-Desai talk and by Liaqat Ali renewing the absurd claim that the League must have all the Moslem seats, as many seats as all Hindus, even if Congress comes in, and more if Congress doesn't. Clearly the next move is to find out somehow whether Desai has been let down or deceived himself, or whether Liaqat Ali exceeded instructions, or Jinnah is standing out for better terms. Meanwhile my Lord the Elephant is not likely to put much weight on the bridge!

26. I have read with great interest [K. P. S.] Menon's account[11] of his trip through Gilgit and Hunza to Sinkiang and shall look forward to the rest of his story. Caroe might tell him how interested I have been.

[11] Not printed.

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War Cabinet W.M. (45) 9th Conclusions, Minute 3

L/PO/6/108b: f 167

Those present at this meeting held in the Cabinet War Room on 25 January 1945 at 5.30 pm were: Mr Churchill (in the Chair), Mr Attlee, Mr Anthony Eden, Sir John Anderson, Mr Ernest Bevin, Mr Oliver Lyttelton, Mr Herbert Morrison, Lord Woolton

Also present during discussion of item 3 were: Viscount Simon, Viscount Cranborne, Mr Amery, Sir James Grigg, Sir Archibald Sinclair, Sir Stafford Cripps, Mr R. A. Butler, Mr Brendan Bracken, Lord Cherwell

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INDIA

(Previous Reference: W.M. (44) 171st Conclusions, Minute 6)[1]

The War Cabinet had before them—

(i) a report by the Lord President of the Council, Chairman of the India Committee (W.P. (45) 37)[2] on Mr. Desai's approach to the Viceroy;

(ii) a report by the Lord President of the Council, Chairman of the India Committee (W.P. (45) 54)[3] on the Viceroy's interview with Mr. Desai.

THE LORD PRESIDENT informed the War Cabinet that the report in W.P. (45) 37, containing certain recommendations as to the line to be taken with the Viceroy in respect of his proposed interview with Mr. Desai had been overtaken by events. Before the Cabinet could consider it the Viceroy had reported that he was committed to seeing Mr. Desai. The India Committee had, therefore, felt that it would be better to await the result of this interview; but the Viceroy had been informed of the anxiety of the War Cabinet that the interview should be conducted in a wholly non-committal manner.

The India Committee had thereafter considered the Viceroy's report of the interview contained in his telegram 157–S[4] of 20th January, reproduced as Annex I to W.P. (45) 54.

That report to some extent clarified the position. But it increased the doubts of the India Committee as to the authority behind Mr. Desai's proposals and as to the adequacy of those proposals. The Committee had prepared two draft telegrams to the Viceroy (attached as Annex II and Annex III to W.P. (45) 54). Those telegrams were designed to draw from the Viceroy an assurance that he was in agreement with the War Cabinet as to the points on which we must be satisfied before he had any further interviews and before Mr. Desai's scheme could be seriously entertained.

That evening a press report had been received from which it appeared that Mr. Jinnah declined all responsibility for whatever talks there might have been between Liaqat Ali Khan and Desai. Liaqat Ali Khan had also made a speech reiterating the demands put forward on behalf of the Muslim League by Mr. Jinnah in the autumn of 1940. The pressing of those demands was not consistent with the information given to the Viceroy by Mr. Desai. It was the more essential in these circumstances that H.M. Government should know exactly where they stood before committing themselves and that the Viceroy, who might well not appreciate the importance of certain of the points in issue, should be aware of the matters to which H.M. Government attached importance.

THE LORD CHANCELLOR suggested that line 2 of paragraph (*d*) of the draft telegram appended as Annex III to W.P. (45) 54 should be amended by the

[1] No. 152. [2] No. 210. [3] No. 229. [4] No. 215.

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substitution for the words "or Jinnah" of the words "still less Jinnah—see his interview reported in the Associated Press under date ——".

After a brief discussion, the War Cabinet—

> Approved the telegrams appended to W.P. (45) 54 as Annex II and Annex III, subject to the addition proposed by the Lord Chancellor, and invited the Secretary of State for India to arrange for their despatch.[5]

[5] The tels. in Annexes II and III to No. 229 were sent by Mr Amery to Lord Wavell as Nos. 2095 and 2096 respectively of 26 January. In tel. 2096, Lord Simon's amendment above read: 'still less Jinnah, see his interview reported in Associated Press message of 22nd January received here in Press telegram N.C.668 of 23rd January [see Enclosure 1 to No. 233]'. L/P&J/8/521: ff 74–7.

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Mr Amery to Field Marshal Viscount Wavell

L/E/8/3821: ff 505–7

INDIA OFFICE, *25 January 1945*

My dear Wavell,

In paragraph 7 of your private letter of 2nd January[1] you mentioned Dalal's desire to have freedom to discriminate against United Kingdom companies in India. I am apprehensive that if he wants to pursue this matter, we may be in for a certain amount of trouble.

2. United Kingdom business interests fully accept that their future in India lies in co-operation with Indians. They are anxious to assist India's industrial expansion which they believe will, if properly organised, carry the hope of considerable profits to themselves as well as to Indians by expanding the market in India for United Kingdom goods. Their attitude and that of His Majesty's Government towards their participation in Indian enterprises is fairly represented in the attached memorandum which my Office drafted with the Board of Trade and which was circulated by the Federation of British Industries[2] to some of their members as a confidential statement of the attitude of His Majesty's Government for their guidance in connection with the expected visit of the Indian industrialists. A copy has already been sent to Hydari. United Kingdom business men are looking for no special privileges and are at present extremely well disposed towards India's industrial ambitions. It is not clear why Dalal thinks that his inability to discriminate against them is an obstacle to his plans, and what types of discrimination he has in mind. Incidentally, one of the primary objects of the visiting Indian industrialists is to secure the co-operation of manufacturers here in the development and expansion of Indian industry—an aim which we had thought was generally accepted as being in

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the interests of India as well as Britain, but which would not accord well with a policy of actively discriminating against British concerns.

3. Commercial interests in this country have, I think, accepted the proposition that the commercial discrimination provisions of the present Act should not find any place in any new Statute embodying a general settlement of the constitutional question in India. But it is their hope that in any accompanying instrument negotiated between India and the United Kingdom as equal partners regarding their future relationships, there would be provisions which, on a reciprocal basis, would reasonably safeguard the position of British commercial interests operating in India, although these would presumably not cover the same field, nor be in the same form, as the commercial discrimination provisions of the present Act. I am sure that they would be much disturbed by any attempt to deal with the statutory position regarding commercial discrimination in advance of a general constitutional settlement in India. If this were practical politics at all, an amending Bill would be necessary, which would be highly controversial and would have the unfortunate effect of focusing discussion in this country on the future of India in the setting of United Kingdom-Indian trade relations.

4. I believe that there are a number of negotiations going on between United Kingdom and Indian commercial interests for the establishment of joint enterprises in India. For example, Imperial Chemical Industries and Tatas are negotiating for the establishment of dyestuffs production in India and an agreement between Nuffield and Birla has recently been announced. A good deal of hard bargaining is in progress as to the terms on which the United Kingdom interests will make available their knowledge, and perhaps in some cases their reputation and their sales organisation in India. The Indians are in some cases trying to improve their bargaining position by representing to the United Kingdom interests that if they do not come to terms they will be squeezed out of India by discriminatory legislation after the war and that they had therefore better meet their enemy in the gate; and if a Member of the Government of India gave support to this threat, either publicly or in private talks with the United Kingdom industrialists concerned, this would no doubt, in some cases, tend to help the Indian interests in their immediate negotiations. Possibly it is this consideration which has prompted Dalal's desire to ventilate the discrimination question. If, however, the Government of India should seek to put pressure of this kind on United Kingdom industrialists, the latter would be likely to seek counter assurances from His Majesty's Government, either privately or by pressure in Parliament, and a public difference of opinion between His Majesty's Government and the Government of India might develop. Moreover, it cannot be doubted that such a course would on balance

[1] No. 178. [2] Under cover of a letter of 28 July 1944.

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be disadvantageous to the real interests of India, which on a long view is going to go on needing—as a contributory factor towards raising the Indian standard of life, and as a concomitant of its own industrial development—the help and co-operation from without that this country is so well able to render.

5. Paragraph 4 of this letter is evidently not suitable for textual communication to Dalal. I have no objection to your letting him have the substance of the first three paragraphs and indeed I think it would be most useful if you could have another talk with him in the light of this letter in order to explain to him the delicacy of the ground which he is approaching, and elucidate in greater detail what is troubling him.

Yours ever,
L. S. AMERY

Enclosure to No. 232

L/E/8/3607: ff 498–9

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INDUSTRIAL CO-OPERATION IN INDIA

1. A party of Indian industrialists, consisting of

Mr J. R. D. Tata
Sir Sultan Chinoy
Mr Krishnaraj Thackersey
Mr N. R. Sarker
Mr G. D. Birla
Mr M. A. Ispahani
Mr S. Kasturbai Lalbhai
Sir Padampat Singhania
Mir Laik Ali

are expected to arrive in this country in September. Some personal particulars of the visitors are given in the appendix.[3] Some or all of them will probably also visit the U.S.A. Their main objects are:—

(1) to obtain assurances of supply of, and if possible to place orders for, large quantities of machinery, capital goods and equipment of all sorts urgently needed to repair the wastage of the war effort and to extend existing works;
(2) to secure the co-operation of United Kingdom (and later U.S.A.) manufacturers in the establishment and development of new industries in India and in the industrialisation of India generally.

2. It is most important that United Kingdom manufacturers should recognise the natural and reasonable aspirations of Indians to make India a great

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industrial power and that constructive co-operation to that end is desirable whatever the future constitutional arrangements in India may be. Evidence that these facts are recognised and accepted and that there is a genuine desire to explore all suitable opportunities for collaboration will do much to pave the way to useful results. In this connection it should be recalled that practical advantages were secured by American industry as a result of their support of the Tata steel and hydro-electric industries in the past. It is accordingly hoped that the reception and assistance afforded to the visitors in this country will be such as will bear comparison with the likely response in the United States, when they go there.

3. The United Kingdom is no longer the predominant supplier of the cheaper consumer goods in demand by the Indian masses. But after the war it will be vitally necessary for us very greatly to expand our exports in order to maintain the economic stability of the country and bring about general prosperity. Ready adaptation of our economy to the changed, and changing, circumstances in overseas markets is therefore called for if we are to reach our goal. In the case of India it seems clear that our future prospects lie in meeting, and indeed promoting (1) the steady growth in the demand for machinery, equipment, stores, accessories and semi-manufactured materials needed by an expanding and diversified Indian industrial system, and (2) the rapidly developing sophistication of a growing section of Indian consumers consequent upon a marked rise in the standard of living of the urban population and the adoption of western comforts and luxuries. The first will increase our opportunities in the field of capital goods and in our industrial specialities. The second will increase the offtake in quality consumer goods. Provided we adapt ourselves to it, it will create an expanding demand for such things as motor vehicles, cycles, cinematograph films and apparatus, radio broadcasting and receiving equipment, telephone installations, drugs and medicines, electrical appliances of all kinds, photographic and other instruments and accessories, air-conditioning equipment, chemists' sundries, toilet requisites and cosmetics, wines, spirits and the higher qualities of provisions—in fact all the items which contribute to a sophisticated life on modern, western lines. In both respects, a vast market may be opened up through the economic industrialisation of India.

4. Some of the visiting industrialists are already in close touch with our manufacturers and negotiations for joint effort which, in certain cases, are already at an advanced stage will probably be concluded. Elsewhere, even if there are no immediate or spectacular results from the visit, valuable contacts will be made. More important still, it is to be hoped that large contracts for post-war delivery will be placed. In many cases, however, while present contacts will undoubtedly lead to the booking of orders and thus to definite

[3] Not printed.

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results, fixed delivery dates can hardly be finally arranged at this stage in the war. This would require many prior decisions some of which naturally cannot yet be precisely foreseen about the degree of the country's mobilization for the war against Japan, the termination or continuance of the war contracts with particular firms interested in Indian business, and the allocation of their output between home and export customers and between one export outlet and another. These difficulties of the transition period will not, of course, be peculiar to this country. United Kingdom manufacturers should seek to book such orders as they can negotiate, even though firm delivery dates cannot be yet quoted.

5. United Kingdom firms may also find it desirable, in view of the rapidly changing circumstances in India, to manufacture in India those items which can economically be made there and which, otherwise, would be manufactured in any event by Indian concerns, probably under American or Continental guidance. In this way they would be able in part to offset the effects of a high tariff, and to exercise some influence on competing Indian industry and would be placed in a better position to supply the complete range of qualities demanded by the market. Generally speaking, local manufacture would at the first stage be appropriate in the simpler and cheaper forms of a firm's products in order to be able to compete in the bazaar trade. In addition, it would probably be found to be economical to manufacture locally heavy castings and other simple parts of machinery and machine tools, thus reducing the Tariff burden on the price of the complete machine. This movement towards local manufacture as a necessary adjunct to the retention of the market for as wide a range as possible of a manufacturer's production has developed rapidly during the past ten years, partly as a profitable investment *per se*, but mainly as the only means of maintaining and extending a firm's trade in its staple, higher grade items imported from the United Kingdom and of guiding domestic production in the interests of both countries. Such developments are generally in the interest of the United Kingdom as well as of India, and conducive, in the long run, to the maintenance and strengthening of our position in the Indian market.

6. It is twenty years since the Government of India, following a resolution in the Legislative Assembly, first declined to grant any industrial concessions except to firms registered in India with rupee capital, having Indians on the board of directors, and giving facilities for the training of Indian apprentices. Since then, nationalist feeling has become more and more insistent upon a greater participation of Indians in industry. Moreover, the war has resulted in the accumulation of large sums of liquid capital in the hands of the principal Indian industrialists. The advantages of an alliance with Indian capital, influence and enterprise are self-evident. Indian industrialists, however, are determined to retain financial control of any enterprises with which they may be associated.

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They may wish to secure only our designs, patents, scientific and technical experience, equipment and technical management of the new works in return for either cash, royalties, a minority shareholding or a combination of the three. It is obviously sound policy to make use, wherever possible, of the resources, influence and connections of the people of the country but it would appear necessary to safeguard our interests in these regards. Reasonable steps should naturally be taken to ensure that, at the end of a comparatively short term of years, the United Kingdom partnership was not dispensed with or valuable export trade from the United Kingdom unduly displaced and lost. The Indian environment differs widely from ours and there are few examples of successful alliances, with the prerequisite of firm mutual confidence and understanding, to guide us.

7. Particular note should be taken that in some proposals it has been stipulated that the joint undertakings should absorb the existing Indian sales and servicing organisation of the United Kingdom firm, and should market both the locally-made and also the imported products. Our trained staffs, sales and service organisations and long-established connections with Indian buyers are unique and have been built up as a result of great expense and half a century of concentrated effort. Those who are asked to part with their sales and servicing organisation should consider with the utmost care whether they would be wise to commit themselves to a step so far-reaching and so fraught with danger to the whole foundation of their trade connections with India. Once the control of these channels of trade has passed from their hands into Indian hands, they may be diverted or blocked without their former owners having any deciding voice: and once gone, they cannot be re-established. The average Indian industrialist has little, if any, knowledge of the technique of servicing and marketing, on which success in the capital goods industries so largely depends.

8. The advantages of retaining India's political and economic goodwill are self-evident, and though we should hesitate long before lightly transferring our trained ability, salesmanship, organisation and technical competence which are our greatest assets, it is in our own interest as well as to the advantage of India that we should contribute on the most equitable basis we can achieve to her industrial development, with all its promise of an increasing market for our specialities and fine products.

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War Cabinet

India Committee. Paper I (45) 15

L/P&J/8/521: ff 70–2

NOTE BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *26 January 1945*

I circulate for the information of the Committee, press reports relating to a statement by Nawabzada Liaqat Ali Khan regarding the reconstruction of the Viceroy's Executive Council and a denial by Mr. Jinnah that he has been associated with the talks between Nawabzada Liaqat Ali Khan and Mr. Bhulabhai Desai. I also attach a press report regarding a memorandum prepared by Mr. K. M. Munshi, who was Home Minister in the Bombay Congress Ministry, for submission to the Sapru Committee.

L. S. A.

Enclosure 1 to No. 233

REPORTED CONGRESS MUSLIM LEAGUE TALKS

An Associated Press message from Bangalore dated January 22nd, reports that Nawabzada Liaquat Ali Khan, General Secretary, All-India Muslim League asked about the reported effort to formulate a scheme for the reconstruction of the Viceroy's Executive Council said, "The policy of the Muslim League with regard to this matter was laid down as far back as 1940 when the then Viceroy Lord Linlithgow made an offer to take into his Executive Council representatives of the Muslim League. The Muslim League have always been willing to accept responsibility and power in the Central Government as an interim arrangement under the Government of India Act of 1935 subject to the condition that if the Congress Party comes in, the number of Muslims—all of which must be nominees of the Muslim League as the only representative and authoritative organisation of Muslims—and Hindus in the Executive Council shall be equal, and Muslims shall be in a majority over Hindus if the Congress remains out.

"But the British Government has not so far accepted the hand of co-operation which was extended by the Muslim League. The so-called deadlock is the creation of the British Government and the Congress Party, and the Muslim League bear no responsibility for it. If any proposal is put before the Viceroy about the reconstruction of his Executive Council, the Muslim League, I have no doubt, will give its due consideration to such a proposal.

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"With regard to the Provinces the Muslim League has shown in actual practice as to what its policy is. Whenever a Muslim League Ministry has been formed in any Province the Leader of the Muslim League Party has always invited Hindu members and other accepted minorities to nominate their representatives for inclusion in the Cabinet. The Muslim League has always stood for honourable co-operation with others". As regards the future, he said, Mussalmans would resist with all their might any constitution not based upon Pakistan.

The Associated Press also reports that Mr. Jinnah the League President in the course of a statement referred to reports about agreement having been reached between Nawabzada Liaquat Ali Khan on behalf of the Muslim League and Mr. Bhulabhai Desai on behalf of the Congress Party with the consent of Mr. Gandhi and Mr. Jinnah, and says: "There is absolutely no foundation for connecting my name with talks which may have taken place between Nawabzada Liaquat Ali Khan and Mr. Bhulabhai Desai".

Enclosure 2 to No. 233

MR. K. M. MUNSHI'S MEMORANDUM TO THE NON-PARTY CONCILIATION COMMITTEE

According to Press reports Mr. K. M. Munshi who was Home Minister in the Bombay Congress Ministry in the course of a memorandum to the Sapru Conciliation Committee suggesting a compromise formula says: "any solution of the present deadlock has to be essentially a compromise between fundamental factors of the situation. These fundamental factors are Britain's suspicions about Congress intentions and fears about her own future in the post-war world, Muslim aspirations for autonomy free from Hindu domination, Congress insistence upon an independent nation state and the Princes' ambition for their dynastic perpetuation and quasi sovereignty. Such a solution has to proceed from the constitution act of 1935 which has given the country institutional integrity. At the same time India has to be divided into three zones Hindu, Muslim and the zone of the Indian States with a recognized place for each in the Constitution.

"The Federal Centre will have jurisdiction in both concurrent and federal subjects as regards the Hindu Zone but only in federal subjects as regards the States Zone and the Muslim Zone also if the Muslim Provinces so desire. In the Legislature which will continue to be formed as in the Act of 1935, the Assembly will represent the Union of India and the Council of State its three zones with equal representation for each. Until the States decide to accede, the Hindu and Muslim zones can constitute the Council. This constitutional compromise will thus reflect three group sentiments which dominate Hindus, Muslims and Princes.

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"The national bond which will keep them together will be represented by the Assembly and Ministry responsible to it. The British Indian Muslim Zone and the Princes Zone will have as great a measure of autonomy as is consistent with the Federal Centre. Fears of the Muslim League and the Princes that their autonomy will be interfered with by the Centre can be removed if, like the Senate of the U.S.A., the Upper House (Council of State) is vested with legislative and executive authority in certain federal matters of vital importance.

"In order to inaugurate such a compromise formula, Britain must implement her promise made in the Cripps offer for a formal declaration in Parliament that H.M.G. intend bringing into existence a union of India which will constitute a Dominion associated with the United Kingdom and other Dominions, by a common allegiance to the Crown but equal to them in every respect, and in no way subordinate in any aspect in control over domestic or external affairs. She must create a healthy atmosphere in the country by a general release of all political prisoners and detenus not implicated in pro-Axis activity. For the purpose of the division of the country into zones, contiguous areas in the Punjab and Bengal which have an absolute majority of Muslims should be formed into separate provinces according to the division envisaged in the Rajagopalachariar formula.[1] But differing from it, it is proposed that areas of the Punjab and Bengal in which Muslims are not in an absolute majority, should be formed into separate provinces unless non-Muslims in such districts decide in a suitable manner their willingness to be included in a Muslim Zone.

"The Council of State constituted of forty-five members, fifteen from each zone shall be elected by members of Provincial Legislatures in each Hindu and Muslim zone and elected or nominated by States acceding to the federation. It will have power by two-thirds of votes to appoint Supreme Court Judges, Ambassadors etc., alter boundaries of states and provinces, make changes in the Constitution Act, alter fundamental rights of citizens and of introducing or amending financial bills and vetoing communal legislation by absolute majority. Ten years after this compromise formula is incorporated in an act and is brought into operation, the constitutional problem shall be reviewed by a Constituent Assembly of fifty-five members elected by the Assembly and members of the Senate sitting as a single house".

[1] See Vol. IV, Nos. 576 and 590.

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Rao Bahadur V. P. Menon to Sir E. Jenkins

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 167–9

SECRET AND PERSONAL NEW DELHI, *27 January 1945*

My dear Jenkins,

When I apprised you yesterday of the talk I had with Bhulabhai Desai, you told me to send you a brief account of the conversation in writing for His Excellency's information. I have typed this letter myself.

2. On Thursday the 25th evening I was invited to a tea party by Mr. Durga Das, Joint Editor and special correspondent of the *Hindustan Times*. I accepted the invitation without knowing who the other guests were. When I reached Mr. Durga Das's house I found that there were only two other guests, namely, Bhulabhai Desai and Birla. I know both of them, but have usually avoided meeting them. At tea Mr. Desai and I sat at one table and Mr. Birla and Mr. Durga Das at another. The first topic Desai raised was the functions of the Reforms Office. I explained the functions as the giving of advice on constitutional matters to the Governor-General and the Departments as we had been associated with the framing of the Government of India Act of 1935. Desai then said Reforms Office is not a correct name as it is concerned with past Reforms and not future ones. He had not known that it is part of the Governor-General's Secretariat, but had thought that it was an organisation of the Government of India. I told him that the Congress party in particular had not been very kind to the Office, they had always been sniping at it.

3. Desai then asked whether the Reforms Office would normally see any of the discussions which he had with His Excellency. I pleaded complete ignorance. I said I had only seen what had appeared in the press especially the message which Sharma of the United Press had sent out, and that these were high level politics and handled personally by His Excellency.

4. Desai wanted then to know what my impression is of His Excellency. I replied that because His Excellency is a military man it would be wrong to think that he is personally interested in nothing but the prosecution of the war; and that as a matter of fact he takes great interest in civil administration. He does not leave ordinary administration to the normal administrative officer, to carry on as they like, we in the Secretariat know how much interest he takes even in what might be considered to be small details of administration. Desai agreed with me and said he could understand His Excellency's grasp of affairs

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from the number of quite pertinent questions he asked about his (Desai's) own formula. Then he said what he wanted to know was His Excellency's attitude towards constitutional reforms. I said my impression is that, consistently with the successful prosecution of the war, His Excellency is as progressive about constitutional reforms as anybody could desire. Desai then asked about you and I told him that if His Excellency is like that, the P.S.V. could not very well be different. At this point Birla turned round from the next table and said it must be so since Mudie was now a different man from what he used to be according to report and the change must be attributed to His Excellency's influence. What then, Birla asked, is standing in the way of a conciliatory gesture from the Government? I said, "Speaking for myself, I have watched three non-co-operation movements and I have been associated with Indian political developments at close quarters from 1917. As an official my attitude towards the Congress is one of suspicion and this attitude is shared by the other brother officials. How would you, Mr. Birla, as a business man, look upon a customer who has let you down thrice?" Desai then said that, speaking for himself and for the Congress, he thought once the Congress comes into office, they are not likely to create any trouble, besides, the Muslim League would be with them which would be a guarantee of good behaviour. To this I replied that I could see the point although I did not like the unkind insinuation that the Government specially favoured the Muslim League.

5. At this point I asked Desai whether Jinnah's repudiation had not weakened his case. Desai replied that Jinnah's repudiation was expressed in very guarded language; his own move had been made with the full cognizance of Gandhi and if Government were to accept his plan he could guarantee the participation of Jinnah though he might in public profess dissatisfaction about the arrangement. Desai quoted a Gujerati proverb to the effect that Jinnah might grumble about the food, but would eat it. In fact, at every stage of the conversations, Liaqat Ali with the cognizance of Jinnah had encouraged Desai to continue the negotiations.

6. I then enquired what is to happen to the members of the Congress Working Committee who are in jail. Desai said their release had not been made a condition precedent to the proposals being implemented, and advisedly so. The real inward reason for this was that if the Congress Working Committee members were released and the Committee was in a position to function they would probably wreck the negotiations, but once the coalition Governments started functioning at the Centre and in the Provinces they would accept the *fait accompli* even though he himself might be made a scapegoat.

7. I asked Desai how the coalition Government would work at the Centre,

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and whether there would not be dissensions about the distribution of portfolios, especially the vital ones such as Home and Finance. Desai said everything would be done by general agreement; and if, for instance, all the parties wanted Liaqat Ali to be Finance Member and he himself Home Member, there was no reason for disagreement. He therefore thought Government need not have any anxiety on this or any other score.

In his oral report Menon gave me to understand that Desai said he would be accommodating about the selection of Members and similar matters.

E. M. J.—28-1-45.

8. Birla then put in that time is the essence of the matter; and Desai remarked that in the fast changing situation, what people might be persuaded to do now they might not be willing to do a little later. I said that in a matter of this importance any quick decision could not be expected. Desai agreed: he knew, he said, that His Majesty's Government had their own preoccupations while the Government of India had to get their budget through, so a delay up to April might be justified, but he pleaded for avoiding undue delay. Birla said one thing the Government did not realise was that the present Congress Working Committee was not made up of extremists and might be willing to go to great lengths for a settlement, but that if the Congress was captured by the extremists, a settlement might become much more difficult. I said that I recognised the position, and added that a change would be equally bad for him (Birla), and he agreed. The impression I had was that Birla's anxiety was to rehabilitate the Congress in order to withstand the extremists, and by accepting office to stabilise the right wing of the Congress.

9. As the party was breaking up, Desai remarked that he had taken tremendous responsibility upon himself and had gone to the furthest limit to meet the Government, and they must leave the rest to God. At the end I asked Desai, rather naïvely, what would be the Congress attitude towards the budget. Desai replied that if they were coming into the Government there was no meaning in throwing out the budget. He thought that, generally speaking, Congress would not be found to be lacking in "sweet reasonableness".

Yours sincerely,
V. P. MENON

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 64

IMMEDIATE NEW DELHI, *29 January 1945, 10.10 pm*
TOP SECRET *Received: 30 January, 1.30 am*

225–S. Superintendent series. Top Secret. Your telegram No. 2095[1] of January 26th.

2. Your paragraph No. 2. I do not think there are serious discrepancies between what Desai told my Private Secretary and what he told me. On your point (1) he undoubtedly realised that he must give Moslems equality with Hindus inside new council. The Moslems would not be content with less but could hardly ask for more. Your point (2) is covered by my immediately succeeding telegram.

3. Your paragraphs Nos. 3 to 6. I attempt in my immediately succeeding telegram to answer questions in your 2096.[2] I agree that several points need clearing up. But I do not think it strictly correct that establishment of interim government contemplated in clause (*e*) (? of) Cripps offer (? was) conditional on acceptance of long term constitutional settlement. Negotiations certainly did not proceed on that basis at the time, and it seems illogical to reject now what we were apparently ready to accept during a far more critical stage of the war. Nor do I think we can without committing ourselves in any way ascertain much more than we know now about Desai's *bona fides* and intentions or views of Moslem League. Equivocal attitude of Liaqat Ali Khan, and statement by Jinnah on January 22nd that he knows nothing of Desai's plan are due to characteristic Moslem League reluctance to be drawn in on academic discussions. For this reason I do not repeat not favour further discussions between my Private Secretary and Liaqat Ali Khan. Such a discussion would give entirely false impression that negotiations are in progress and would elicit nothing but the usual reference to what Jinnah said in 1940, and to willingness of League to consider any firm offer. If the War Cabinet think Desai's plan worth detailed discussion, as I do (? it seems), they must authorise me to send for Desai and Jinnah and tell them that H.M.G. are prepared to consider it subject to satisfactory assurances on certain points. It is useless to expect (? any) definite results unless both men, and particularly Jinnah, believe we are talking business and not generalities.

4. I believe Desai is genuinely convinced that Gandhi and Jinnah would back him. Gandhi certainly knew of approach, (? and I have) little doubt Jinnah knew of it too. But I suspect the understanding was that they would

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co-operate if it succeeded but were free to deny all connection with it if it failed. During a private conversation with G. D. Birla and an Indian official on January 26th,[3] Desai said he was satisfied as to (?omission) of co-operation of the (? League),[4] and indicated that he was quite prepared to meet H.M.G.'s wishes on matters such as selection of members. He said he did not favour immediate release of Working Committee and present Congress detenus as they would take an uncompromising line. On the other hand if they found an interim government in office when they were released they would probably accept the *fait accompli*. He might be attacked personally but at his age he no longer worried much about his political career. He held that time was vital, and that if plan was to have any chance of success action to implement it must be taken in next month or two. If Government intended to do anything the sooner they moved the better. Desai doubtless intended this to be reported to higher authority, as it was. Birla's association with Desai is interesting. It is possible that he foresees trouble in Congress when Gandhi dies and would like to get "safe" men into office now.

1 and 2 See No. 231, note 5. 3 See No. 234.
4 'Desai said he was confident of the co-operation of the League' in Wavell Papers, Political Series.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: ff 65–6

IMMEDIATE NEW DELHI, *29 January 1945, 10.10 pm*
TOP SECRET *Received: 30 January, 3 am*

226–S. Superintendent Series. Your telegram 2096[1] of January 26th. Following are best replies I can give on information now available.

(*a*) Support for war effort. Only assurances possible appear to be: (i) resolution by appropriate organs of Congress and Moslem League and (ii) personal undertakings by those invited to join Government. I suppose (i) might be described as "full assurances" but they would certainly not be "binding" in any legal sense, and if we demand any such resolutions we are at once practically forced to release Working Committee which Desai wishes to avoid. I admit (ii) would neither be "full" nor "binding", and we are back (? at) Desai's suggestion that the only possible guarantee is the judicious selection of the new members. If we got men who are personally trustworthy and they gave an undertaking we should be reasonably safe.

1 See No. 231, note 5.

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(*b*) Selection of members. I cannot carry this matter further by academic enquiry. See my immediately preceding telegram. My impression is that Desai would leave freedom of choice to Governor General but would expect full discussion and if possible agreement on list. You must remember that Governor General's powers are Moslem League's main safeguard, and that if (? League) agreed to co-operate they would probably do so only with Governor General to hold the ring. I think His Majesty's Government can anyway rely on me not to be content with "walking-on part".[2]

(*c*) Party control. I understood Desai (? to) mean that there would be no repeat no party control at the Centre. He could not answer for the Provinces, where the system of party control is already established. Desai can only have given me his own opinion. I do not know the League view. The solution here is probably the judicious selection of members and the fact that thinking Congressmen fully realise the sterility of the wilderness into which party control led them.

(*d*) Congress guarantee. I cannot say how far Gandhi and Jinnah are behind Desai, unless I am authorised to see Desai with Jinnah. See also paragraph No. 4 of my immediately preceding telegram. I do not think Desai expects formal Congress support, but he is (sic. ? but he) does expect (? personal) backing (? from) Gandhi, and hopes to carry with him considerable part of Right Wing. Full and official Congress Party acceptance would undoubtedly be held to involve release of Working Committee and resolution by them or A.I.C.C. If this is intention of War Cabinet, I entirely disagree. I think that (? many) of Working Committee would be opposed to Desai, and that is his reason for not negotiating their release. On the other hand I believe Desai (? might have) a chance (? of) organising stable governments at Centre and in Provinces with Right Wing support.

(*e*) Quit India resolution. Here again the resolution can be withdrawn only by body which passed it. My objections to this are as above. "Quit India" resolution is for all practical purposes dead and I should leave it at that. Attempts to secure formal withdrawal would be best way to revive this corpse. If a Government were formed publicly pledged to war effort I would think that sufficient.

(*f*) Jinnah's attitude to Pakistan. Meaning intended (? was) that there would be no long term commitment either by Congress or by League, and that Jinnah would co-operate provided he was free to urge his Pakistan claims later when long term solution was discussed.

(*g*) Representation of minorities. I cannot answer this question until I am permitted to talk business with Desai and Jinnah. But I assumed the intention to be that in a Council of (? say) 10 members excluding

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Governor General and Commander-in-Chief there would be 4 Caste Hindus, 4 Moslems, one Sikh and one Scheduled Caste representative. Hindus and Moslems would not necessarily all be Congress(? men) (? or) League(? rs) (?.) I doubt if non-official Europeans need be represented and I think there would be great difficulty in securing such representation.

(*h*) Eligibility of Indian officials. I would assume at present that officials distinct from British and Indian[3] would be technically eligible but would almost certainly not be appointed.

2. I wish to impress upon War Cabinet the impossibility of working (? out) (? details) of any plan unless it can be discussed here on assumption that it is not unacceptable in principle. I believe Desai's plan is worth discussing on this (? unofficially).[4] It involves large risks but the longer we remain inactive the longer[5] they will become, and in the end we shall be forced to take them in conditions less favourable than the present. My immediately succeeding telegram gives some personal views.

[2] 'walking-out part' in Wavell Papers, Political Series.
[3] 'officials both British and Indian' in Wavell Papers.
[4] 'worth discussing on this assumption' in Wavell Papers.
[5] 'larger' in Wavell Papers.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 67

IMMEDIATE
TOP SECRET

NEW DELHI, *30 January 1945, 12.45 am*
Received: 30 January, 1.15 am

227–S. Superintendent series. 1. My two immediately preceding telegrams gave you my replies to the points raised in your 2096[1] of January 26th. I add a few personal reflections of the type I shall urge orally if I appeared before the War Cabinet.

2. I think His Majesty's Government have the best opportunity to make progress with the Indian problem that they have had for long time or are likely to have. It *may* break down on further examination, but I am strongly in favour of taking the chance of Desai's proposals succeeding.

3. As His Majesty's Government know, Desai's proposals fit in with those I submitted months ago and embody the same (? general) ideas. It is an advantage (? on the whole) that they should come before India as the proposal of

[1] See No. 231, note 5.

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influential Indians and this will give them better chance of success than if they came from His Majesty's Government in the first instance. They have the advantage over my proposal in that they to some extent by-pass in the first instance Gandhi and official Congress. I also have good reason to believe that they have support of Birla and big business. While I do not trust Birla and his associates or regard their ideals as good for India in the long run their influence would be valuable in getting moderate government established.

4. I am just as much alive to risks as His Majesty's Government and have no illusions on increased difficulties I should have in guiding a "political" (? war) (?.)[2] If I consulted my personal ease and peace of mind I should not advocate such change. On the other hand I am convinced that continued stagnation is our worst danger in the long run, and that this is our best opportunity for progress on moderate lines. I do not think His Majesty's Government need be afraid of my becoming a cypher in the political council or of my abrogating any powers of the Governor General. Whether I use them wisely or unwisely is another matter.

5. I am afraid I have no great faith in paper pledges or guarantees, and should attach comparatively minor importance to them. Our real guarantees would lie in our choice of members of the new Government; in the desire, which I believe is genuine, of moderates for steady political progress; in their realisation that co-operation with His Majesty's Government is the best road to take; and in such personal influence as I was able to exercise.

6. My recommendation is that His Majesty's Government should authorise me at once to ascertain officially willingness of Desai and Jinnah to co-operate in forming a Government; the conditions in which such Government should be formed and worked;[3] suggest names of Committee put forward as members. If conditions seemed favourable, I suggest I should then fly home and put proposal before the Cabinet in detail. I stress the need for urgent action since the longer matters are under discussion the more difficult it may become to secure a reasonable settlement.

7. I can assure His Majesty's Government that I have weighed the risks and realise them but I earnestly urge them to take a chance which may not occur again and which holds, I believe, quite good prospects of success.

[2] '"political" Executive Council' in Wavell Papers, Political Series.

[3] In Wavell Papers the sentence reads from this point: 'and names they would put forward as Members.'

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War Cabinet

India Committee. I (45) 4th Meeting

L/P&J/8/521: ff 55–9

Those present at this meeting held in Conference Room 'B', Great George Street, S.W.1, on 30 January 1945 at 5 pm were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel; Sir Gilbert Laithwaite (Secretary)

The India Committee had before them the Viceroy's telegrams 225–S,[1] 226–S[2] and 227–S[3] of 29th and 30th January.

THE SECRETARY OF STATE FOR INDIA said that the telegrams were interesting as making it clear that Birla was to some extent behind this approach, and that Mr. Desai was willing to bypass the Congress Committee. The Viceroy clearly considered the approach a serious one, but did not feel that he could elucidate the position further without seeing Desai and Jinnah together. He was not in favour of further explorations by his Private Secretary. The point for decision now was whether the Viceroy should be authorised as recommended by Lord Wavell to go ahead and see these two leaders, and whether in that event he should be told that he could proceed with them on the assumption that the Desai plan was not unacceptable in principle. In reaching a decision we should bear in mind that these discussions must become public sooner or later. So far Desai had kept very quiet, but it was known that there had been contact with the Viceroy, and if Lord Wavell was now told that these discussions should not be pursued, the Indian Press would certainly suggest that he had been instructed to drop them by the Cabinet. Nor would it be easy, in reply to Questions in the House, to say that the Viceroy had been instructed to make no further response. It would be very difficult to lay down that Lord Wavell must not further explore a situation that arose from an Indian initiative which he believed genuine, particularly when the Viceroy felt that the consequences of failing to explore it might be very serious. Any suggestion that our attitude had hardened would expose us to severe criticism in the U.S. the United Kingdom and in Parliament.

LORD SIMON drew attention to the Viceroy's suggestions in paragraph 2 of 226–S that no plan could be worked out unless it could be discussed on the assumption that it was not unacceptable in principle, and in paragraph 6 of 227–S that he should be authorised to ascertain, *officially*, the willingness of

[1] No. 235. [2] No. 236. [3] No. 237.

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Desai and Jinnah to co-operate in forming a Government, the conditions in which such a government should be formed and worked, and the names they would put forward as members. Surely, taken together, these propositions represented a very substantial advance. We moved away from any suggestion of an exploration and into negotiation. Moreover, it was far from clear what the principle was which the Viceroy asked us to accept. Taking his telegrams as a whole, they suggested that Lord Wavell thought there was before us an adequate description of the plan, but that was far from being the case.

THE CHANCELLOR OF THE EXCHEQUER thought that the approach proposed in the telegrams represented a great leap forward. We were passing to the stage of approaching Jinnah and Desai as the two men marked out for the task of co-operating with H.M. Government and forming the kind of government suggested, and even getting a list of names from them. The War Cabinet had attached importance to reassurances from the Viceroy on two vital points—support for the war effort and the absence of any Congress hold on the new Government. But the only guarantee now proposed on those points was the judicious selection of the new members. The general impression left on him was that the Viceroy in effect said that he did not agree that the earlier Cripps offer had been bound up with a long term constitutional settlement; and that the ideas now put forward by Desai were just the sort of ideas which he had himself thought good on merits, with the additional advantage that they were advanced by Indians and not by H.M. Government and that in these circumstances he was anxious to be authorised to go ahead. Surely it was possible for the Viceroy to see Jinnah and Desai separately, and making it clear that he was speaking without in any way committing himself or H.M. Government, elucidate what was in their minds. There could be no misunderstanding on their part of such an approach.

THE LORD PRESIDENT reminded the Committee that before the Cripps offer had been made, H.M. Government had always been open to consider changes of personnel in the Indian Government such as the bringing in of political leaders, subject to any such changes being within the existing constitution. The Cripps offer had been linked with the acceptance of an offer of a means of settling the constitutional issue for the future which had been rejected. But we still remained free to consider changes in the Viceroy's Council if by making them more influential Indians than at present could be brought into it. He felt that the Viceroy's approach to Jinnah and Desai should be on the basis that they would be working the existing constitution and that he wished to know whether they were prepared to go in and work it. There was a real risk, on the present handling of the matter, that Lord Wavell might be led on to ground with which he was not familiar and on which he might be at a disadvantage.

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In discussion the following points were made—

(1) The Viceroy's approach was tantamount to accepting the Desai proposals in principle, before either we or he were really quite clear as to their meaning and implications. The War Cabinet could not be expected to commit themselves without further light. It was equally important that the Viceroy, before entering into further discussions, should know exactly where he stood and be aware of the possible pitfalls.

(2) It was still far from clear how much authority there was behind Mr. Desai. Paragraph 4 of 225–S made it clear that Mr. Birla was associated with him, but brought out also that he was not prepared to face the risk to his scheme involved in the release of the Working committee and the present Congress detenus, whom he expected to take an uncompromising line in opposition to it.

(3) In the Viceroy's telegram 109–S[4] (paragraph 3(*d*)), Desai was reported as having said that under his plan the interim Government would work within the present constitution. He might well have been talking in terms of actual amendment of the Government of India Act, but substantial constitutional changes, as Commonwealth history showed, could be made without legislation by the establishment of conventions, or by usage.

(4) It was essential that the Governor-General's Council should be responsible to someone. It was not clear whether the Viceroy had it in mind or whether it was in Mr. Desai's mind to change the existing method of appointment to the Governor-General's Council by an understanding that he would accept the nomination of outside organisations, such as Congress and the Moslem League. If that was in fact the intention, the result would be that the Council would be responsible either to nobody or else to an outside caucus. That would represent a most serious constitutional development.

(5) If a political government such as was now in view was established it might be a matter of months only before interference from home with its activities, however undesirable and dangerous they might be, would be impracticable, and any attempt by H.M. Government to re-establish its old authority would be doomed to failure.

(6) It was argued on the other hand that while certain risks might be involved in allowing the Viceroy to go ahead, it would be most unfortunate were we to give even the appearance of rejecting or refusing to consider an Indian initiative. Moreover, the Viceroy, occupying the

[4] No. 197.

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position that he did, must be allowed some freedom of action in matters such as this. He could not properly be refused permission to make contact with important leaders.

(7) THE MINISTER OF EDUCATION felt that the Viceroy's approach in its present form was far from satisfactory. Would there not be advantage, if that could be arranged, in postponing further explorations in India until the Cabinet had cleared their own minds as the result of the discussions now proceeding here as to a possible solution for the Indian problem. Doubt was expressed on the other hand as to whether the delay in devising a practical solution might not be considerable. It was urged that the Viceroy, if an approach were made to him, could not well refuse to respond to it.

After further discussion, the general sense of the Committee was that it was essential that the principles which the Viceroy was anxious that the Cabinet should accept should be further elucidated. The Viceroy was not prepared to use his Private Secretary to explore since he thought this might give the impression of negotiation. On the other hand, he was reluctant to see Jinnah and Desai save on the basis that H.M. Government regarded the Desai scheme as not unacceptable. Surely there was a middle course, viz. that he should see these two leaders, and without in any way committing either himself or H.M. Government, point out that H.M. Government were, as they had always been, in favour of the association of Indians in the Executive Council on the basis of and within the present constitution; that they regretted in the past leading Indian politicians had held aloof; and that they understood that Messrs. Jinnah and Desai had been considering the position and would like to hear what they had to say? In the light of their replies it would be possible to judge whether in fact the Desai scheme had Moslem support behind it, and, without committing H.M. Government or the Viceroy, to elucidate the position as regards the various points which were at present obscure. If a serious suggestion, supported by both, were put forward, the Viceroy could say that he was prepared to submit it to H.M. Government.

The Committee proceeded to consider the terms of a draft telegram to the Viceroy, and after further discussion, invited the Deputy Prime Minister to circulate a draft for their consideration at a further meeting to take place on Wednesday, 31st January, at 7 p.m. in the Cabinet War Room.

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War Cabinet

India Committee. Paper I (45) 21

L/P&J/8/521: ff 60–3

NOTE BY THE CHAIRMAN

PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.I,
30 January 1945

I circulate a draft of a telegram to the Viceroy which, if my colleagues agree, might be considered at our meeting at 7 p.m. on Wednesday, 31st January.

C.R.A.

Enclosure to No. 239

DRAFT TELEGRAM FROM SECRETARY OF STATE FOR INDIA TO VICEROY

War Cabinet are grateful for further information contained in your telegrams of 29th January, (225–S,[1] 226–S[2] and 227–S[3]), but for reasons that follow still find difficulty in reaching a decision on these very important matters.

2. In paragraph 2 of your 226–S you urge the Cabinet to authorise you to enter into discussion with Desai and Jinnah on the assumption that the plan is not unacceptable in principle. Our difficulty is that you have not really made plain to us what the principle is. If the object is that you should as far as possible choose for your colleagues leaders of political Parties, that is one thing. But if the object, either in your mind or in theirs, is to enter upon a practice of accepting the nominations of outside organisations, this would, in our judgment, be a change in the constitution of the most serious kind for the result would be that your Council would be responsible either to nobody or to outside bodies such as Congress or the Moslem League. It is the more important that we should be perfectly clear on this point since, as you of course realise, constitutional change may arise by convention or usage without any legislative change, and in the history of the British Commonwealth there are many examples of this.

3. With every desire to assist, you will appreciate that in these circumstances it is impossible for the War Cabinet at this stage to give you authority to regard the Desai plan as acceptable in principle since we are not in a position to judge without further information.

4. We note (paragraph 3 of your 225–S) that you are averse from further discussions between your Private Secretary and Liaquat Ali Khan on the ground

[1] No. 235. [2] No. 236. [3] No. 237.

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that this would give an entirely false impression that negotiations were in progress. We agree that it is most important to avoid any such impression. At the same time elucidation is essential if we are to consider this matter further. We think it should be possible to secure it by your seeing the two principals together, but *without* repeat *without* committing yourself in any way as to the acceptability or otherwise of that plan, and we should be very ready, this being so, that you should see Jinnah and Desai for the purpose of elucidating the plan on that basis.

5. If you were to do so, the line to be taken with Jinnah and Desai might, we suggest, be that the Government were, as they had always been, in favour of the association of Indians in the Executive Council on the basis of and within the present constitution; that they had regretted that in the past leading Indian politicians had held aloof; but that you understood that Desai and Jinnah (or Liaquat Ali Khan as Secretary of the Moslem League) had been considering the position, and that you would like to hear what they have to say. We would see no objection to your adding that if a serious suggestion, supported by them, was put forward, you would be prepared to submit it to H.M. Government. Such an approach, without any commitment on your part, should make it possible to ascertain to what extent the scheme put forward by Desai has in fact Moslem support behind it, and would give you the opportunity also to clear still more precisely the points put to you in our telegram of 26th January, No. 2096.[4]

6. We do not in our present telegram wish to comment in detail on the points raised in your telegrams under reply. But the statement in paragraph 4 of your 225-S that Desai, representing though he does Hindu and Congress opinion, does not favour immediate release of working committee and Congress detenus, as they would take an uncompromising line, is not in our view promising.

[4] See No. 231, note 5.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 4 *30 January 1945*

Many thanks for your letter of 18th January.[1] My son arrived here on 25th, but Julian went straight on from Karachi to Kandy with Carton de Wiart, I was sorry to miss him.

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2. We are exchanging telegrams about Desai's move, and I need not deal with it at length in this letter. I am surprised at your colleagues' belief that one can get anywhere with affairs of this kind without commitment. The only way of ascertaining the true position is to tell Desai and Jinnah that, subject to satisfaction on certain specified points, His Majesty's Government are prepared to give the plan serious consideration, and to ask them whether they have agreed or can agree about communal proportions. They would then be compelled to give realistic replies, and we should know where we stood. Another point which causes me concern is the attitude of your colleagues to Clause (*e*) of the Cripps Offer. I agree entirely with what you say in paragraph 5 of your letter. It may have been the intention that the Cripps Offer should be accepted or rejected as a whole, and that Clause (*e*) was not meant to stand by itself. But something very like Clause (*e*) had been offered in 1940, and it was generally understood here that Cripps was quite willing to agree to a "political" government at the Centre, even though there had been no settlement of the long-term problem. Objections like that of John Anderson give colour to the Indian suspicions about our honesty. If we were to say now that we cannot consider proposals for an interim government on the lines recommended by Desai because there must be some understanding on the constitutional problem before any change is made, the average educated Indian will think and say that we are now rejecting proposals which we were pressing on India when the war was going badly.

3. There is little to report from the Provinces. Chhotu Ram's successor is one Tikka Ram Chaudhuri, a not very distinguished pleader from a small town in the Rohtak district, who has served as a Parliamentary Secretary in the Unionist Ministry. I gather the Jats divided sharply on the selection of their new leader, and that Tikka Ram was chosen by an arbitrator. I suppose this means that he will become a Minister. Glancy is not enthusiastic about him, but there was no good candidate, and things may go badly with the Unionists in the Eastern Punjab unless the Jats manage to sink their differences and follow Tikka Ram.

Bourne's appointment to act as Governor in the Central Provinces seems to have stimulated thought in the Punjab about the convention that I.C.S. Governors should not be appointed to Provinces in which they have served under a Ministry. The convention was established, as you will remember, after an objection by the Congress Ministry in Orissa to the appointment of a British Officer serving in Orissa to act for Hubback. Glancy reported that there was good reason to believe that the Unionists would prefer the Punjab Governors to come from their own I.C.S. cadre. The position has been explained to Glancy, and I think you may be interested in this evidence of the good relations between the present Punjab Ministry and their British Officials.

[1] No. 213.

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I made a day trip to Nowshera and Risalpur on the 23rd January to present V.Cs. and Colours to a Gurkha and Rajput Battalion respectively. George Cunningham was there, and told me they were likely to get the best *rabi* crop on the Frontier for many years. I also had a word with Aurangzeb. In a recent letter[2] Cunningham says that the plans of the local Congressmen to secure Gandhi's blessing to a Congress Ministry are not likely to come to anything. Aurangzeb's position is insecure, and he may be defeated on the budget.

4. I am relieved to hear that Shafa'at sailed from Durban on 26th January, so he can do no more harm in the Union. I have just said goodbye to Deshmukh and given him personal letters to Smuts and Hofmeyr. I think he will be much more restrained and sensible than Shafa'at, but he is not a very strong personality and may not make very much impression either on the Indian community or on the Union Government. I am grateful to you for your telegram containing Smuts' reply[3] to our joint message, and I have told Deshmukh to do his best to get the Indians to co-operate with the Broome Commission. I have not yet heard definitely whether Khare will have to deal with an adjournment motion at the beginning of the Assembly session, but the chances are that the Opposition will try to secure a debate on South Africa. It will be very difficult to restrain Khare if I have nothing to offer him except the hope that relations may improve after the Broome Commission reports, and I am disappointed that Smuts was not prepared to accept the conference idea now. Shafa'at's return will not make things easier: he will almost certainly try to stimulate the Opposition into a demand for immediate economic sanctions.

[The last sub-para. of para. 4, on Dr Aney's motor smash in Ceylon; and para. 5, on a visit of an Afghan Military Mission to New Delhi, omitted.]

6. I have some difficult matters to take in Council this week. We discussed the revenue and expenditure part of Raisman's budget this morning; the employment of women in mines comes up tomorrow, 31st January, and the grant of larger war allowances to civilian officials on the 3rd February. Raisman had a fairly easy passage with the Indian Members of Council though war expenditure has increased greatly this year and will be very high in 1945–46. Council realised that this heavy expenditure was inevitable, but several members (including Mudaliar) are away, and there will be a further opportunity for criticism before the Budget proposals are approved as a whole. There is a tendency to ask why His Majesty's Government should not take a larger share of the burden, and to criticise the financial settlement. The short answer is, I suppose, that the financial settlement was on the whole most advantageous to India, and that even if His Majesty's Government agreed to pay, most of the expenditure would still have to be incurred in rupees in India, so that we should get no relief from inflation and should merely benefit by adding to the sterling

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balances which are already embarrassingly large. Apart from the budgetary position, Raisman's "inflationary gap" looks like being large. He will not submit his proposals for new taxation to Council until after I return from tour on 17th February.

7. I told Council last week that there would be no discussion in London this spring about the sterling balances. I explained that His Majesty's Government would invite an Indian delegation to visit London at the appropriate time, which, in their opinion, would not come until the war in the West was over and we were a good deal more sure about the prospects of the Japanese war.

8. You will probably have had by now a copy of Part II of the "Bombay Plan".[4] I am sending by this bag a copy of Gregory's note[5] on it, which confirms my first impression that it is a poor effort. Dalal's job is a very difficult one, and he will not be able to show results for some little time yet. The Provincial plans ought to be in by the middle or end of February, and he may then be able to produce an all-India plan for the main administrative subjects with which the Central Government and the Provincial and States Government[s] are concerned. I do not think he is making much progress yet with industrial planning. His officials are still working at the first principles.

[Para. 9, on passage priorities to India; and para. 10, on the title to be given to Sir Firoz Khan Noon's new wife, omitted.]

11. The National War Front proposals, which you discuss in paragraph 9 of your letter, have had a very mixed reception. I gave you Khizar's reaction last week.[6] Some Provinces think the proposals a great improvement, others are prepared to accept them with rather a bad grace, and others again do not like them at all. I am not sure what Sultan Ahmed will do. I do not think the official replies are yet in, but I have heard from most of the Governors.

12. I am enquiring about Fowler's report[7] on our statistical arrangements. I have not yet seen it and will now see what I can do to get his recommendations considered and disposed of quickly.

13. I am very glad Barrington-Ward is sending Holburn back. If there are any political developments his presence here will be invaluable, and he is very useful at any time.

14. Many thanks for your letter of 19th January[8] about the future of the Intelligence Bureau. I am examining your suggestions with Mudie, and will let you know our views as soon as I can.

[2] Dated 23 January 1945. L/P&J/5/222: f 116. [3] See No. 230, note 9.
[4] See No. 227, note 20. [5] Dated 26 January 1945. L/E/8/2637.
[6] No. 227, para. 8. [7] See No. 213, note 4.
[8] Wavell Papers, Private Correspondence: Secretary of State, 1943–6, pp. 90–3.

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I wonder if you have yet formed any opinion about the reconstitution of the Far Eastern Committee. You mentioned my telegram of 13th December on the same subject in paragraph 7 of your letter of 21st December.[9] I agree of course that India could not be represented independently on the Committee. My main concern is to see that the Indian point of view is given due weight, and that the Committee is not too much in the hands of Foreign Office experts from China.[10]

15. I have just returned from a weekend trip to Bikaner, and we leave for Mysore, Travancore and Cochin on the 4th February. Casey has been staying here for a day or two in an attempt to get Raisman to agree to relieve the Bengal Government of the debt they have piled up in recent years, mainly, in Casey's view, owing to the war and circumstances beyond their control. Raisman says very reasonably that he cannot concentrate on Bengal, and that major changes in the financial relations between the Centre and the Provinces have in the past been sanctioned by His Majesty's Government usually with the knowledge and approval of Parliament. The Bengal case is not as strong as it appears at first sight, as the Government of India have already been generous about subventions and have recently agreed to share the trading losses on food-grains, so the debt at the end of 1945–46 may not exceed Rs. 10 crores or so, and the current revenue is something like Rs. 30 crores.

[9] Omitted from No. 158.

[10] Papers on the representation of India's interest in Asian affairs to the Far Eastern Committee are on L/P&S/12/4567 and 4662.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&S/13/982: ff 147–9

IMPORTANT INDIA OFFICE, *31 January 1945, 10 pm*

CONFIDENTIAL

2508. Your telegram 21st January 153–P.[1] Questions at issue are (*a*) whether you should make move if Chancellor does not (*b*) whether effort be made to strengthen personnel of Chamber as you propose (*c*) whether your draft letter is suitable.

2. As to (*a*) Chamber functions very intermittently and its main utility seems to be in providing forum for Crown Representative's speeches and for discussions leading up to codification of political practice. In all vital questions it has proved necessary to deal individually with States and I wonder if there is any need to go out of the way at present to resuscitate present Chamber machinery.

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On the other hand if many Princes greatly value their Trades Union they are unlikely to abstain indefinitely from efforts to resuscitate it.

3. As to (*b*), I doubt (i) whether effort would be successful (I gather you feel doubtful also), (ii) whether success would be to our advantage. In dealing with any "representative" body of Rulers Crown Representative is bound by anything he says while no Ruler who does not commit himself personally is committed. Entry of a few Rulers into active membership might merely mean that when Princes wish to obstruct or press Crown Representative their fire power will be greater but when he wants something from them he will be no more able than now to pin down Rulers as a whole. Obviously very important negotiations with Princes may be necessary in near future, but I should myself prefer to see them conducted either locally through Resident or at Delhi with Princes' representatives on National Defence Council or some more permanent organisation arising out of that war-time phenomenon.

4. As to (*c*), draft[2] is admirably worded and I agree you are entitled to clear yourself of Bhopal's misrepresentation though for above reasons I should myself have omitted para. 2. But phrase "unwise in these difficult times to discuss so delicate a topic" if introduced in formal letters of this kind might cause embarrassing requests for elucidation. My general feeling is that issue of formal letters which will presumably become public would give undesirable impression that you were trying to drive wedge between Princes, and I should be happier if approach were made by Residents in conversation and not by letter, though this is largely tactical question for your judgment.

5. I am writing more fully by fast air mail and I hope you will feel able to hold your hand until you have my letter.

[1] No. 220. [2] See No. 221.

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War Cabinet

India Committee. I (45) 5th Meeting

L/P&J/8/521: ff 51–4

Those present at this meeting held in the Cabinet War Room on 31 January 1945 at 7 pm were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel; Sir Gilbert Laithwaite (Secretary)

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The Committee had before them the draft of a telegram to the Viceroy which had been circulated for consideration by the Lord President of the Council under I. (45) 21.[1]

A general discussion followed in the course of which—

(i) a number of amendments to the draft telegram were proposed and were accepted by the Committee.

(ii) The Secretary of State for War urged the importance of ensuring that the position of elements in India's national life other than the Congress and the Moslem League, such as the Hindu Mahasabha, and, in particular, the martial classes such as the Punjabi Mohammedans, was not overlooked.

After discussion, THE COMMITTEE—

(*a*) Approved the draft telegram to the Viceroy circulated under I. (45) 21 subject to the amendments accepted in discussion (a copy of the draft as agreed is attached to this record) and invited the Chairman to submit it to the Prime Minister for his approval.

(*b*) Invited the Secretary of State for India to arrange for a telegram to the Viceroy, to issue simultaneously with the draft referred to in (*a*), to the effect that while in that telegram H.M. Government had deliberately limited themselves to the Desai-Jinnah proposals, it went without saying that, though they did not wish to ask the Viceroy to make enquiry as to their attitude at this stage, both H.M. Government and the Viceroy were bound to have in mind in this connection the position and claims of other important elements in India's national life such as the Hindu Mahasabha, and, in particular, of India's fighting men.[2]

Appendix to No. 242

DRAFT TELEGRAM FROM SECRETARY OF STATE FOR INDIA TO VICEROY

War Cabinet are grateful for further information contained in your telegrams of 29th January, (225–S,[3] 226–S[4] and 227–S[5]), but for reasons that follow still find difficulty in reaching a decision on these very important matters.

2. In paragraph 2 of your 226–S you urge the Cabinet to authorise you to enter into discussion with Desai and Jinnah on the assumption that the plan is not unacceptable in principle. Our difficulty is that we are not yet clear as to exactly what the principle is that is involved.

There would seem to us to be two widely differing principles of constituting the Government at the centre, either of which might be intended by Desai.

First, that the Governor General should, without alteration of the constitution either legally or by convention, preferentially but upon his own judgment

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choose as his colleagues leaders of political parties or groups. Second, that the Governor General should enter upon the practice of accepting nominations by outside parties or groups.

There does not seem to us to be any middle path between those two alternative principles.

In the case of the second alternative above, the practice of accepting nominations, although not actually binding on you in theory, would in effect become a convention. Such a convention would fundamentally alter the constitution. This change would be of the most serious and far-reaching character and would result in your Council being responsible to outside parties or organisations without any democratic basis at all.

It is of course possible for such a change to take place without any alteration of the written constitution and as Desai says "inside the present constitution" by convention or usage. There are many such examples in the development of constitutions in the British Commonwealth.

3. You will realise that in these circumstances it is not possible for the War Cabinet at this stage to give you authority to regard the Desai plan as acceptable in principle.

4. We note (paragraph 3 of your 225-S) that you are averse from further discussions between your Private Secretary and Liaqat Ali Khan on the ground that this would give an entirely false impression that negotiations were in progress. We agree that it is most important to avoid any such impression. At the same time elucidation is essential if we are to reach a judgment on the matter. We think it should be possible that this elucidation might be secured by your seeing the two principals together, but *without* repeat *without* committing yourself in any way as to the acceptibility or otherwise of any proposals, and we should be very ready, this being so, that you should see Jinnah and Desai for the purpose of elucidating the plan on that basis.

5. If you were to do so, the line to be taken with Jinnah and Desai might, we suggest, be that the Government were, as they had always been, in favour of the association of Indians in the Executive Council on the basis of and within the present constitution; that they had regretted that in the past leading Indian politicians had held aloof; but that you understood that Desai and Jinnah (or Liaqat Ali Khan as Secretary of the Moslem League) had been considering the position, and that you would like to hear what they have to say. We would see no objection to your adding that if a serious suggestion, agreed upon by

[1] No. 239.

[2] A telegram in the terms of this para. was sent by Mr Amery to Lord Wavell as No. 2750 of 3 February with the addition before 'the Hindu Mahasabha' of 'non-League Muslims'. L/P&J/8/521: f 48.

[3] No. 235. [4] No. 236. [5] No. 237.

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them both, was put forward, you would be prepared to transmit it to H.M. Government. Such an approach, without any commitment on your part, should make it possible to ascertain to what extent the scheme put forward by Desai has in fact Moslem, or indeed Hindu, support behind it, and would also no doubt enable you to clear up the points put to you in our telegram of 26th January, No. 2096.[6]

6. We do not in our present telegram wish to comment in detail on the points raised in your telegrams under reply. But the statement in paragraph 4 of your 225-S that Desai, representing though he does Hindu and Congress opinion, does not favour immediate release of working committee and Congress detenus, as they would take an uncompromising line, is not in our view encouraging of the belief that a solution on these lines is likely to be reached.[7]

[6] See No. 231, note 5.
[7] This draft tel., with the amendments in No. 248, was sent by Mr Amery to Lord Wavell as No. 2749 of 3 February. L/P&J/8/521: f 49.

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Minute by Mr Attlee

R/30/1/5: f 96

31 January 1945

Prime Minister
I send herewith the Viceroy's latest telegrams[1] about his conversations with Desai.

2. We have discussed them in the India Committee.[2] We recommend sending the telegram to the Viceroy of which I attach a draft.[3]

3. We clearly cannot approve this scheme without knowing more about it. That being so, we cannot authorise the Viceroy to talk to Jinnah and Desai on the assumption that its principles are accepted. It is clear that the only way of getting further elucidation is by talks between the Viceroy and Desai and Jinnah.

4. We think he should see them to hear their proposals provided he makes no commitment. Admittedly the mere fact that he sees these leaders will give rise to speculation. But it is already known that conversations had been proceeding with Desai. If the result of his seeing them both is to show that they cannot agree on a proposal, or can only make a quite unacceptable proposal, we have an answer to Parliament and the public. In the perhaps unlikely event

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of their putting forward something acceptable, we should of course have to give it our consideration.

5. Perhaps you would telegraph to let us know your wishes.

C.R.A.

[1] Nos. 235–237. [2] Nos. 238 and 242. [3] Appendix to No. 242.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/25

INDIA OFFICE, *31 January 1945*

I have telegraphed[1] my comments on the letter[2] you propose sending to the 21-gun and 19-gun Princes about Bhopal's misrepresentation of your attitude towards his Resolution about treaties. It is certainly desirable that Rulers of the big States should know the facts about the suspension of the Chamber and I have little doubt that they will share your view that Bhopal has committed a serious gaffe. What has rather disturbed me about the procedure you propose is a misgiving lest it might have somewhat of a boomerang effect. Your letter I think would be bound to leak: in fact, your assumption is that it *will* leak to some extent. What you say about the delicacy of the treaty issue might be twisted to imply an intention to repudiate our obligations where it suits us, and we might be charged with attempting to confuse the issue by putting the Princes themselves at loggerheads. I feel that you could pursue the desired effect without incurring the same risks by instructing your Residents to give the necessary explanations to the more important Princes and to report their reactions. I should hardly expect them to care to place on written record their disapproval of the action of one of their number.

As to the question of revitalising the Chamber by attracting the more important Princes to take part in its activities, this has a long history and the comparatively recent reorganisation and enlargement of the Chamber and Standing Committee were planned I believe by the late Bikaner and his friends with that object in view. But it seems too much to expect of such Princes as Mysore, Kashmir or Travancore, let alone the Nizam, that they would agree to put themselves on a level with the little fellows as participants in the Chamber deliberations with no more than an equal vote when they can rely on sympathetic appreciation of their individual problems and requirements in direct negotiation with the Crown Representative. It was after all to meet the

[1] No. 241. [2] See No. 221.

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wishes of the middling Princes that Hardinge initiated Princely conferences in 1916. When Montagu and Chelmsford proposed the creation of the Chamber as a permanent institution they were careful to restrict its functions to the discussion of matters of general interest to the Princely order and to bar from its concern matters affecting individual States. And in practice I should say that its main usefulness has lain in providing a forum for allocutions from the Crown Representative and a committee with which your Political Department could discuss disputed issues before promulgating decisions on the codification of political practice. There have been considerable intervals during which the Chamber has in practice ceased to function without apparently any deep disturbance to the harmony of the Crown's relations with individual States. Trades Union methods adopted by a small caucus of the politically-minded Princes have I should say distracted the Rulers of the smaller States from concentrating on the improvement of their administration and the welfare of their subjects by raising their hopes of bettering their personal position as clients of the caucus.

It seems to me that the Chamber, at any rate as it has functioned hitherto, has not proved to be a really satisfactory organ for eliciting the more balanced views of the Princely order on questions of prime importance to the future of the States. In particular it has produced no solution of the relations which should obtain between the States and a self-governing British India. Such important issues have been avoided, partly no doubt out of consideration for the feelings of the large majority of Rulers of small States whose place in the India of the future is manifestly very insecure. I should have thought that a better potential forum for realistic consideration of their problems, including those of post-war reconstruction, may emerge from experience gained since the inauguration of the National Defence Council. Here a limited but very important body of Princely representatives has accustomed itself to joint deliberations with representatives of the Provinces and the Centre on vital questions affecting not only the States but India as a whole. I gather from Maxwell that the Princes and Ministers who attend have taken a real and useful part in the work of the Council and have shown a realistic approach to the questions in discussion.

Might it not be good policy, in the event of the Chamber office-bearers continuing to sulk, for you to leave them to get out of their present impasse as best they can taking advantage of the presence in Delhi of the Princes and Ministers attending the Council's session to discuss with them separately in a more or less informal way the matters which have special relevance to the States as a whole? Such a process might contain the seed of valuable future development. I know that the present functions of the National Defence Council are limited to the discussion of Defence matters. But I believe that Linlithgow took opportunity when Princes were in Delhi for one of its sessions

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to meet them with the Finance Member in order to emphasize the urgency of action by the States in the matter of industrial development and its taxation. The Defence Council is an All-India representative body and to my mind it might well be used as a whole to ventilate questions of reconstruction and other matters of All-India interest inseparable from the consequences of the war. I shall be writing to you separately about this. Meantime I am merely thinking of the very select body of States representatives who attend its meetings. I feel that they might provide a more manageable and, as they include representation of the most important States, a more effective team with which to discuss important issues than the Standing Committee as it has now developed. (Incidentally, I notice that the Chancellor and Pro-Chancellor are *ex-officio* members of the Defence Council. No doubt you are considering whether they should now be invited in their personal capacities.)

My concrete suggestion, therefore, is that you should take no immediate step except to get the appropriate Residents, in conversation with such Princes as you designate, to make it clear that the Chancellor did not correctly represent your attitude to the proposed Resolution on States Rights. But if, despite what is said above, you wish to add something on the lines of paragraph 2 of your draft letter, I should raise no objection, even though—like you—I see no likelihood of its having any result.

For the rest, I feel that the Standing Committee should be left to make the first move, and if nothing has happened before Wylie comes home I would propose to discuss the whole question of future policy with him.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/18: f 151

PRIVATE *1 February 1945*

258–S. Understand Burmese problems will shortly be discussed by Cabinet. I trust that matters affecting India such as immigration will not be settled without giving Government of India (omission ? opportunity) to state their point of view and that I shall be consulted on political effect in India of proposed constitutional settlement in Burma.[1]

[1] In tel. 94 of 5 February, Mr Amery assured Lord Wavell that it was well understood that specific questions of common concern to India and Burma, such as immigration, could not be settled without reference to the Govt. of India. Mr Amery added that if any constitutional developments in Burma seemed likely to have a political effect in India he would hope to have an opportunity of consulting him. L/PO/10/18: f 152.

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War Cabinet

India Committee. Paper I (45) 22

L/PO/6/108b: ff 130–6

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *1 February 1945*

In accordance with paragraph 4 of the Chairman's memorandum (I. (45) 5)[1] of the 9th January, I circulate a note which deals with the points raised in the Lord Chancellor's note of the 13th January.[2] This has been prepared by members of my staff in consultation with four of my Statutory Advisers.[3] In regard to the reference, towards the foot of page 2,[4] to the assurances to the minorities in connection with the Cripps offer, it is worth noting, as Professor Coupland has pointed out, that the only really effective protection of minorities, especially against administrative oppression, lies in the structure of the Constitution affording to them the assurance of adequate participation in the administration.

I shall circulate shortly a further note on points raised by my own memorandum (I. (45) 4)[5] as well as by the Minister of Education's letter of the 5th January,[6] which to some extent raises the same issues. Notes on the matters raised by the Chancellor of the Exchequer and the Ministry [Minister] of Aircraft Production are in preparation.

L. S. A.

NOTE FOR INDIA COMMITTEE

The Committee may find it helpful to read the appended memorandum, written by one of the Secretary of State's Advisers in 1943, on the content of a treaty between Great Britain and India, such as was contemplated as an integral part of the arrangements proposed in the Draft Declaration of 1942. The note, after an analysis of the history of the Irish and Iraq Treaties, deals with the matters appropriate for inclusion in a treaty with India (defence, finance, protection of the Services, obligations to minorities and the States, &c.) and is therefore relevant to the Lord Chancellor's suggestion that consideration should be given to the conditions required to be satisfied in any attempted solution.

2. The appended note does not include a reference to the Treaty arrangements with Egypt. The military provisions of the Anglo-Egyptian Treaty of 1936 merit examination, though it is doubtful how far the analogy is applicable to the different circumstances of India. The Treaty (Article 8 of which is quoted on page 158 of Part III of Coupland's Report on the Constitutional

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Problem in India)[7] enables His Majesty's Government to maintain in Egypt, for the duration of the Treaty (20 years), a force of limited strength, stationed in a limited and carefully defined area, for the specific purpose of "ensuring the liberty and security of navigation of the Suez Canal." The British forces are wholly under the control of His Majesty's Government and are immune from the jurisdiction of the Egyptian Courts (except in civil actions in matters not arising out of their official duties). In respect of Egyptian territory outside the areas in which British forces are stationed there are detailed provisions covering the passage of men and material, road and rail communications, landing grounds, &c., &c. There is naturally no reference to any right of intervention by British forces in the internal affairs of Egypt; on the contrary, Article 8 states: "The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt." Such intervention might, however, in certain circumstances be inevitable if the security of the British forces were threatened, for an army is bound to take the measures necessary for its own protection, or, of course, it might be invited by the Egyptian Government.

3. The analogy of the Egyptian arrangements is only partially applicable to the differing circumstances. So far as the purpose is similarly related to the protection of inter-Imperial communications it seems possible that sea communications through the Indian Ocean with the Far East might be sufficiently protected from naval bases in Ceylon or elsewhere outside Indian territory: but those through the Persian Gulf could hardly dispense with protection based on Karachi. On the other hand, air communications passing through India would necessitate the provision and protection of airfields not only on the coast but also in the interior of India. Thus the armed forces necessary for their protection (which, since they and the airfields they protect are for Imperial purposes, must remain in the control of His Majesty's Government) would be dotted through India and not isolated on the border of the country, as it was proposed that they should be in Egypt and they would need to protect their lines of land communication. If frontier defence were alone in question it might at first sight appear that British troops could be stationed in isolated areas on the north-western and north-eastern flanks of India. But even if that were the case there would be many points of contact with the interior of India due to the long lines of communications between the frontiers and the ports,

[1] No. 188. [2] The date should be 3 January; i.e. Appendix to No. 188.

[3] It appears from MSS. EUR. D. 714/68 that the expert committee of India Office Advisers and officials which reported to the War Cabinet India Committee on this and subsequent occasions consisted of Sir K. Fitze, Mr J. P. Gibson, Sir J. Hubback, Sir R. Maxwell, Sir D. Monteath, Mr P. J. Patrick and Sir G. Wiles.

[4] i.e. the end of para. 5 in the Note below. [5] No. 184. [6] See Appendix to No. 188.

[7] See No. 48, note 3.

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and in actual fact frontier defence must be "in depth" reaching well back into the interior. The employment, therefore, of British troops in India for purposes of external defence or protection of air communications and particularly for the purpose of providing the Crown Representative with military assistance, would bring them into contact with the internal affairs of the country and be dependent on the intimate co-operation of the local authorities to a much greater scale than was contemplated in the Egyptian case, though not, in fact, owing to war exigencies ever put into effect.

4. With regard to the query raised in paragraph 2 of the Lord Chancellor's note, reference may be made to the recommendations submitted to the Committee by the Secretary of State. These contemplate at the head of the Indian Government a Governor-General acting independently of direction by His Majesty's Government, but exercising all the powers of superintendence and control which he exercises at present. It may be, of course, that in any interim form of government some of the matters regarded as suitable for inclusion in a treaty (see Appendix I) might be provided for by explicit instructions to the Governor-General.

5. With regard to paragraph 4 of the Lord Chancellor's note (*a*) the problem of minorities is touched on in paragraphs 23 (*f*)[8] of Appendix I. British responsibilities towards the minorities are not (unlike the obligations to the Princes) recorded in formal agreements and subject to precise analysis. They are rather of the nature of a moral obligation to see that in any transfer of power fair play is shown to minority groups which are not sufficiently strong numerically or influential enough to protect themselves in the absence of British intervention to hold the scales even. British policy in the matter is recorded in State documents such as the Report of the Statutory Commission[9] (Vol. II, paragraphs 36 and 157, e.g.) and the Report of the Joint Committee, 1934[10] (paragraphs 25 and 79, e.g.), and is embodied in provisions of the 1935 Act, notably in the special responsibilities of the Governor-General and Governors. Attention is also invited to the terms of the Viceroy's offer of August 1940. His statement recalls that it has already been made clear that His Majesty's Government are concerned that full weight should be given to the views of minorities in any revision of the Constitution and says that His Majesty's Government "could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to a coercion of such elements into submission to such a Government." As stated in paragraph 24 of appendix I, further assurances were given in connection with the Cripps Offer.

(*b*) A note is appended analysing British responsibilities to the Princes (Appendix II).

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Appendix I to No. 246

THE PROBLEM OF AN ANGLO-INDIAN TREATY

The Cripps Proposals, though rejected, still hold the field as the only comprehensive plan for the constitutional future of India. They include the scheme of settling the relations between His Majesty's Government and the Union (or Unions) of India by means of a negotiated Treaty. There has, it is believed, been no detailed consideration of the proper contents of such a Treaty and it seems desirable to attempt to make one.

2. The Proposals set forth that the Treaty "will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in the future its relationship to the other Member States of the British Commonwealth."

They also provide that with Provinces which decide not to accede to Indian Union, "His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as Indian Union, and arrived at by a procedure analogous to that here laid down" (i.e., including the signing of a Treaty).

Lastly they provide "Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its Treaty arrangements, so far as this may be required in the new situation."

Precedents for a Treaty with India

(A) *The Irish Treaty.*

3. One precedent for a Treaty of the kind contemplated is the Treaty between Great Britain and Ireland, of which the "Articles of Agreement" were signed on the 6th December, 1921. Another is the Treaty between Great Britain and Iraq, which came into force on the 3rd October, 1932. It is proposed to examine the terms of these Treaties and the history of the subsequent relations between the two Treaty-making Powers, and then to consider what might be the content of an Anglo-Indian Treaty or Treaties in the light of that history and of the probable situation when the time for close consideration arrives.

4. The provisions of the Irish Treaty may be summarised thus:—

Article 1.—Dominion status **(as then understood)** for Ireland with responsible Government.

[8] Para. 23 is presumably intended. [9] See No. 137, note 8. [10] See No. 184, note 3.

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Articles 2 *and* 3.—Broadly the position of the Irish Free State in relation to the British Government to be the same as that of the Dominion **of Canada,** and the Crown Representative to be appointed as for Canada.

Article 4.—Members of the Irish Parliament to take an **oath** of allegiance to the King.

Article 5.—The I.F.S. to assume liability for part of the **Public** Debt of the United Kingdom.

Article 6.—**Defence by sea** of Great Britain and Ireland to be undertaken by His Majesty's Imperial Forces for the present.

Article 7.—**Harbour** and other facilities in Ireland to be afforded to His Majesty's Imperial Forces.

Article 8.—Irish defence force to keep in step with Great Britain's in implementing the principle of **international limitation of armaments.**

Article 9.—Reciprocity in the matter of the ports of the two countries.

Article 10.—I.F.S. to pay compensation to **Government servants** who are discharged or who retire in consequence of the change of Government.

Articles 11, 12 *and* 13.—Right of Northern Ireland to **"contract out"** and **boundary commission** and other consequences.

Articles 14 *and* 15.—Provisions in case Northern Ireland decides to **"come in,"** with specification of "safeguards" that may be included in an arrangement designed to secure N.I.'s adherence.

Article 16.—Provision against **religious** discrimination either in Southern or Northern Ireland.

Article 17.—Transitory provision.

Article 18.—**Ratification by the necessary legislation.**

5. The subsequent history of the relations between Great Britain and Southern Ireland (Eire) has not been a very happy one. Its ratification by the Dail Eir[e]ann was carried by a majority of 64 to 57, and the party opposed to it, the Fianna Fail, continued to work for its practical nullification. The oath prescribed by Article 4 was the main target for attack, and for the first five years the Fianna Fail members refrained from taking their seats. Later they subscribed to the oath, holding it to be "an empty formula having no binding significance in conscience or in law." It was finally abolished in 1933 by unilateral action, which took the form of repealing the particular provision in the Constitution which prescribed it, and at the same time the general provision which declared void any provision of the Constitution repugnant to the terms of the Treaty.

6. The effect of Articles 2 and 3 of the Treaty has been profoundly modified. Firstly the concept of Dominion status was developed by the Balfour Declaration and by the Statute of Westminster, and in the Conferences of 1926 and 1930 the Irish Free State played a very important part. Secondly the plan of

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basing the relations with the British Government on the analogy of Canada never really worked, and step by step the relations have in effect been converted into those between two entirely independent States.

7. The liability for part of the Public Debt of the United Kingdom, imposed by Article 5, was removed in 1925 as part of the settlement reached on the boundary question between Eire and Northern Ireland. Other outstanding liabilities, claimed by Great Britain but not specifically covered by the Treaty, were settled by payment of £10 million, as part of the Agreements of 1938. The claim was for something like £100 million.

8. The Naval arrangements comprised in Articles 6 and 7 were cancelled in the same Agreements. From the debates of May 1938 it would appear that the choice put before the naval and military advisers of the Government was either to give up the facilities in the hope of securing a friendly Eire in the event of war, or to retain them with the practical certainty of an unfriendly Eire. Fortified with expert opinion in favour of the former course, the Chamberlain Government placed it before Parliament. Mr. Churchill argued strongly against the proposal, anticipating, rightly as the event proved, that Eire would remain neutral. Others believed that "the act of faith" would be justified by the result, and on that view the decision was taken. Possibly a "not unfriendly" Eire added to the power of the Navy, and the existence of "Northern Ireland" as a land and air base, helped to deter Hitler from a descent on that country. At least the decision tended to remove an old obstacle to good relations between Great Britain and the United States. Whether it was really necessary in the absence of any strong demand from Eire to raise the question at all is another matter.

9. Article 8, since the failure of the Disarmament Conference, became academic, while Article 9 was at all times little more than an ordinary inter-State courtesy.

Article 10 was supplemented by an agreement in June 1929. It excluded from its benefits the forces on whom the task of preserving order had rested, notably the Royal Irish Constabulary. On the whole, the treatment of Government servants was in accordance with the spirit of the Treaty. Whether it would have been so, but for the fact that this Article had largely exhausted its function before the Fianna Fail party obtained power in 1932, is another question.

Articles 11, 12 and 13 effectively secured the creation of Northern Ireland as a separate entity, though modifications had to be made in the manner in which the Boundary question was settled. This was done by the Agreement of the 3rd December, 1925.

10. Articles 14 and 15 became inoperative when Northern Ireland declared for Separation, but might conceivably be of more than historical interest should the unification of Ireland again become practical politics.

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It was intended, if Northern Ireland decided to adhere, to provide safeguards in respect of the following matters:—

(*a*) Patronage in Northern Ireland.
(*b*) Import and export duties affecting trade and industry in Northern Ireland.
(*c*) Minorities in Northern Ireland.
(*d*) Settlement of financial relations between Northern Ireland and Eire.
(*e*) Local militia in Northern Ireland and the relation of Defence Forces of Eire and Northern Ireland.

Article 16, regarding religious discrimination, appears to have been, on the whole, respected in both areas, perhaps because reprisals are easy.

11. It is unlikely that any of the signatories to the Treaty expected that that document would be the effective instrument for governing the relations between Great Britain and Ireland over a very long period of time. But some, if not most, doubtless hoped for its main provisions a greater "expectation of life" than events accorded to them.

Their anticipations were falsified chiefly by the survival and ultimate predominance of a party unwilling to forget the past or to abandon the political theory that the State of Eire rests, not on agreement between two political entities previously in union, but on the natural right of a nation to self-government. That party was, moreover, ready to carry its hostility to the Treaty to the point of armed opposition to those of their fellow-countrymen who had accepted it. Although it is to be devoutly hoped that the settlement between Great Britain and India will not be preceded by a "Black and Tan" campaign or followed by a Civil War, it is impossible to rule out the likelihood of a strong body of opinion in India intensely critical of the terms of a Treaty confirming the settlement.

It is, further, unhappily true that it is easy to keep national sentiment alive and indeed to intensify its bitter components by tendentious historical teaching administered to the younger generation. The history of South Africa and of Eire, to say nothing of that of the United States, sufficiently illustrate that danger.

(B) *The Iraq Treaty.*

12. The settlement between Great Britain and Iraq is governed by the Treaty of 1930, which came into effect when Iraq was admitted as a full independent member of the League of Nations on the 3rd October, 1932. The Treaty contains provisions which may be summarised as follows:—

Article 1.—Perpetual peace and friendship, with full and frank consultation on foreign policy affecting common interests.

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Article 2.—Mutual Diplomatic representation.

Article 3.—Great Britain and Iraq to concert together to settle disputes between Iraq and a third State in accordance with the Covenant of the League or other applicable international obligations.

Article 4.—Mutual assistance in case of hostilities or imminent menace thereof, Iraq undertaking to provide all facilities on Iraq territory.

Article 5.—Air bases for Great Britain in Iraq, but not so as to constitute occupation or prejudice sovereign rights.

Article 6, *read with Annexure*.—Great Britain to decide the strength of the Iraq forces after consultation. British forces to be retained for a limited period at Hinaidi and Mosul and thereafter indefinitely at air bases. Such forces to enjoy certain immunities and privileges, as well as facilities for training. Iraq to provide special guards for air bases. Great Britain to provide facilities for training Iraq forces as well as equipment and advisers. Iraq forces to be trained as far as possible by British subjects. Iraq to afford all possible facilities for movement of British forces and their supplies across Iraq.

Article 7.—The Treaty to replace previous Treaties and Agreements.

Article 8.—Responsibilities hitherto placed on Great Britain to devolve on Iraq.

Article 9.—Saving of rights and obligations derived from international pacts.

Article 10.—Interpretation to be dealt with under League of Nations provisions.

Article 11.—Ratification. Period of 25 years from date of coming into force. Engagement to conclude a fresh Treaty after 20 years, "which shall provide for the continued maintenance and protection in all circumstances of the essential communications of His Britannic Majesty." Disagreement in this matter to be submitted to the Council of the League of Nations.

13. The Treaty was signed on the 30th June, 1930, but by the provisions of Article 11 did not come into force until Iraq was admitted to membership of the League of Nations, viz., the 8th October, 1932. In the interval there was much discussion at Geneva about this, the first, case of ending a Mandate. It was agreed that in order to secure release from a Mandate, a State must—

(*a*) have a settled Government and an administration capable of maintaining the regular operation of essential Government services;

(*b*) be capable of maintaining its territorial integrity and political independence;

(*c*) be able to maintain internal peace and order;

(*d*) have at its disposal adequate financial resources to provide regularly for normal Governmental requirements;

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(*e*) possess laws and a judicial organisation which will afford equal and regular justice to all.

It was further laid down that before release from a Mandate a new State should guarantee the protection of minorities, the judicial rights of foreigners, freedom of conscience and worship, and the free exercise of missions, and lastly that it should assume all obligations legally acquired during the mandatory régime.

The Permanent Mandates Commission, after considerable hesitation, accepted the British assurances that Iraq satisfied the conditions precedent for a release from a Mandate. A potent factor in that acceptance was the statement by the British High Commissioner that, should Iraq "prove unworthy of the confidence that has been placed in her, moral responsibility must rest with His Majesty's Government." The guarantees proposed by the Commission were omitted from the Treaty as being unsuitable terms of agreement between two independent States. But they were accepted by the Iraqi Government.

14. There was also a separate financial agreement comprised in notes exchanged on the 19th August, 1930, relating to—

(1) the transfer of air bases at Hinaidi and Mosul and the establishment of an air base at Habbaniya;
(2) the future of the railway system;
(3) the future of the port of Basra.

15. Considering the history of the relations between Great Britain and Iraq from 1920 to 1930, it is satisfactory that the terms of the Treaty and of the undertakings subsidiary thereto have proved as effective as they have. That period was marked by a serious rebellion in 1920, by the uncertainties about the ultimate fate of Mosul, by the steadily increasing hostility of the *intelligentsia* towards any kind of British guidance and towards the British officers who were required to provide it, and generally by the uneasy process of transfer of authority from alien, if benevolent, autocracy to native rule. That process was further complicated by the facts that the native rule to be set up was nominally democratic but actually oligarchic centring on a non-Iraqi King, and that the population comprises Shiah and Sunni Arabs, Kurds, and Assyrian Christians, besides other Christians and Jews in no negligible numbers.

16. At the same time in two respects the settlement, of which the Treaty formed the principal parts, has been subjected to severe test. It has been stated that, although the Treaty itself contains no provision regarding minorities, the British Government admitted its "moral responsibility" if in this respect as in others Iraq should prove "unworthy of the confidence placed in her." The efforts of the Kurd minority to assert their individuality led to serious fighting in 1930, 1931, and 1932, in which the R.A.F. was employed in rather more than a reconnaissance and supply capacity to support the inefficient Iraqi

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ground troops. But the much more distressing case was that of the Assyrians. Levies of that nationality had earned high praise for their efficiency and spirit, and had been used to replace demobilised British regiments, until such time as Iraqi troops could be raised and trained. The Assyrians, as a whole, sought administrative autonomy within Iraq. In the summer of 1933 this attitude developed into a full-scale military rebellion, partly no doubt in consequence of local mishandling of the situation, while King Faisal was absent in Europe. The Assyrian levies, much to most people's surprise, were badly defeated by Iraqi regulars, and then to everyone's horror unarmed Assyrians were massacred at Simel. British "moral responsibility" led to little practical action on behalf of that unfortunate minority.

17. The other test of the Treaty Settlement came in April 1941, when Rashid Ali under German influence brought off his *coup d'état*; his attempt to take Iraq over to the side of the Axis Powers was promptly countered. But for our control over the port of Basra and the air base at Habbaniya, secured to us by the Financial Agreement supplementary to the Treaty, it might have been a long affair. In fact, however, resistance ended on the 1st June after less than two months of military operations.

Content of a Treaty with India

Uncertainties of position in India.

18. The historical background upon which a Treaty with India is likely to be based will in any circumstances differ greatly from the backgrounds which Ireland and Iraq presented. But in considering the proper content of an Anglo-Indian Treaty the results of certain inclusions and certain omissions in the two existing Treaties may afford some valuable guidance. There is, however, one very important difference in the situation. The Irish and Iraq Treaties were both negotiated while there were in authority many people under the illusion that international public opinion was a force to be reckoned with, as a watchdog over relations between contracting States. It is still most uncertain whether international public opinion will find a more effective instrument in action than the League of Nations presented, and so to what extent an Anglo-Indian Treaty should take its influence into account.

19. Another very grave uncertainty is whether there will be one or more units in India with whom Treaties are to be negotiated. It seems, at present, most unlikely that the Indian States will immediately come within a Federated India, to such an extent that their relations with Great Britain can be fully expressed in a single Treaty. It is also, according to present indications, rather more likely than not that some considerable part of British India will elect to remain outside a Federation. Nevertheless it is, perhaps, convenient to consider first the content of a single Treaty, and then to examine the variations which would arise from a division of India.

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Existing Safeguards.

20. The Government of India Act of 1935 was designed as a scheme whereby a United India could, either by positive repeal or by desuetude of safeguards, evolve into the status of a Dominion of the British Commonwealth of Nations. The safeguards fall into the following categories:—

Internal security,
Financial stability,
Protection of minorities, including backward tribes,
Protection of Public Services,
Discrimination,
Protection of Indian States,
Defence, External Affairs and Tribal Areas,
Retention of link with the Crown,
Protection of Property.

Internal Security.

21. Internal security under the 1935 Act is ultimately safeguarded by the powers given to the Governor-General by Section 12 (*a*) and to the Governors by Section 52 (*a*) to take action on their individual judgment in the face of grave menace to peace and tranquillity. More specific provisions are to be found in Section 57. That section in effect empowers a Governor, threatened with a violent attempt to overthrow established Government, to take into his personal charge such functions as he may deem to be necessary for combating such a threat. The value of all these provisions rests on the assumption that the Services, in particular the police, will carry out the orders of the Governor or the Governor-General. It was, therefore, provided that the Governor should be able to act on his individual judgment in the matter of police rules and of securing the secrecy of police records (Sections 56 and 58).

A more remote, but even more powerful buttress for internal security is the control of the Armed Forces, especially the British element of them. It is obvious that Dominion status (and *a fortiori* Independence) for a unitary India would involve surrender of most, if not all, of the present effective safeguards. At any rate control of armed forces could no longer be the normal provision for ultimate sanction for their employment. But in the Anglo-Iraq Treaty, Articles 5 and 6 provided for the retention of British Armed Forces in Iraq. Since the Air Force was used to support Iraqi forces in dealing with the Kurd revolt, it may be presumed that those Articles were not exclusively concerned with external defence.

Financial Stability.

22. Financial stability is safeguarded by the "special responsibility" of the Governor-General imposed by Section 12 (*b*). This has been interpreted by

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hostile critics as securing the ultimate financial control of India to the City of London. It would be most undesirable to expose such a surface in a draft Treaty. But the Anglo-Irish Treaty provided by Article 5 for a charge on Ireland, and the conditions precedent to the conclusion of the Mandate provided that Iraq should assume all obligations legally acquired during the Mandatory régime. It may be considered whether a reciprocal agreement to discharge all financial liabilities in force at the inception of the Treaty should not find a place therein. Possibly, too, an agreement to enter into an International Clearing Union on the lines of the Keynes Proposals might be included.

Minorities.

23. The minorities problem is a peculiarly tangled one. It was in the forefront of the attempted settlement of the last war from Wilson's 14 Points onwards. It figured prominently in the "safeguards" provided in Articles 14 and 15 of the Anglo-Irish Treaty, which were framed for the contingency that Northern Ireland would accept unification. It appears again in the Permanent Mandates Commission's conditions precedent for Iraq's release from the Mandate. But in the latter case, as in other more notorious cases, where the underlying principles of the League of Nations have been specifically invoked, performance has fallen far short of promises. In the 1935 Act minorities are protected by the special responsibilities of the Governor-General and the Governors (Section 12 (*c*) and 52 (*b*)) as well as by certain other provisions regarding legislatures franchise and service appointments. It has not been an easy responsibility to discharge and the Moslem League has roundly condemned those entrusted with it for their failure to discharge it. Besides the Moslems, who claim to be a nation and not a minority, there are the Scheduled Castes, the Sikhs, the Anglo-Indians and the Indian Christians. Of these all but the last appear to be by no means satisfied that their legitimate interests will be secured under a future Constitution. Lastly there are the 25 million Backward Tribes, whose interests were intended to be specially protected by Section 52 (1) (*e*) with Sections 91 and 92. These, unlike the other minorities, are still very far from being organised for political purposes. The history of South Africa does not hold out much hope for fair treatment of those whom the repositories of political power regard as their inferiors in culture even when they are in fact in a numerical majority. Nor, for that matter, does the history of the "Succession States" provide a shining example of good government by an effective majority of the less cultured in matters that interest the more cultured minority.

24. It may of course be said that if the Indian leaders agree among themselves to accept a Constitutional Law with the Federal Court as its guardian, it should be presumed that any necessary provisions for the protection of minorities will find a place therein, and that, consequently, the Treaty should have

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no concern in the matter. It may, further, be urged that the experience of the last 25 years has shown that it is impracticable to devise an exterior sanction for the protection of minorities within a sovereign State, and, indeed, that the attempt to do so tends to worsen the position of those it seeks to protect. But, all the same, the existing responsibility to the minorities is not one that can be lightheartedly abandoned. And indeed the Cripps Proposals in regard to the Treaty definitely engaged that they would not be. It appears from Professor Coupland's pamphlet on the Cripps Mission (page 32)[11] that this promise was emphasised by Sir Stafford Cripps in the course of his Press Conferences. It should at least be possible to secure, by some means or other, the Federal Court's position as guardian, not only of the Constitution as a whole, but of the rights of minorities. But here the pessimist might murmur with "Mr. Dooley": "The Supreme Court follers the iliction returrns."[12]

The Services.

25. Sections 12 (*d*) and 52 (*c*) aim at securing the rights and legitimate interests of public servants in a general manner. These are further protected by a number of sections, dealing with the Public Services Commissions, indemnity for past acts and other matters. The Services appointed by the Secretary of State are treated with special consideration. The Irish Treaty gives a precedent for Treaty provisions continuing some degree of interest in their welfare. It should be possible to secure fair treatment for the Secretary of State's services. The others must be left to the authorities in India, where, on the whole, public opinion is decidedly more sympathetic than it was a few years ago. It is at least highly probable that Public Services Commissions have come to stay. Professor Coupland (page 58) states his view that the future of the Secretary of State's Services must be part of the general post-war settlement.

Commercial and other discrimination.

26. Discrimination is discouraged by the 1935 Act under two aspects; the personal and the corporate. The Governor-General by Section 12 (*e*) and the Governors by Section 52 (*d*) are required to watch against discriminatory measures in the executive sphere. Chapter III of Part V gives details of such possible measures. In the personal aspect British subjects of United Kingdom domicile are given a right of entry and secured against disabilities and liabilities, so long as reciprocal rights are provided to Indians in the United Kingdom. Further, requirements in regard to professional and technical qualifications cannot be altered without the consent of the Governor-General or Governor, and medical qualifications are even more closely safeguarded. Discriminatory taxation against individuals domiciled in the United Kingdom or Burma is prohibited. On the corporate side, discriminatory taxation against companies incorporated in the United Kingdom or Burma is also prohibited, and there

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are further provisions designed to protect the interests of companies. Ships and aircraft registered in the United Kingdom are safeguarded against discriminatory treatment. Again, discrimination by way of subsidies for the encouragement of trade or industry is controlled. Lastly, it is contemplated by Section 118 that these provisions, other than those relating to professional qualifications, may in due course be replaced by a convention of reciprocity between India and the United Kingdom. In the course of his Press Conferences, Sir Stafford Cripps explained[13] that British businessmen in India were not one of "the racial and religious minorities" to be protected by the Treaty. He added that: "We are not going to make any condition in the Treaty as regards guaranteeing the vested rights of British interests in India" (Coupland, page 40). This announcement, important as it is, does not seem to cover *personal* immunity from disabilities, nor, obviously, does it rule out other provisions in the Treaty of a genuinely reciprocal character. Something of the nature of "most-favoured-nation" treatment might be secured if that nineteenth century device is not precluded by the ultimate interpretation of the Atlantic Charter.

The Indian States.

27. The problem of the States stands on a different footing from every other. The elaborate arrangements for accession to the Federation contemplated by the 1935 Act have never been put to the test and, broadly speaking,[14] the only provisions of that Act which have been operative are those which place on the Governor-General (Section 12 (1) (*g*)) and on the Governors (Section 52 (1) (*f*)) the special responsibility for "the protection of the rights of any Indian State and the right and dignity of the Ruler thereof."

This responsibility is no more than a continuance of the protection in practice afforded by the Government of India as the Agent of the Crown to the States prior to the 1935 Act, though in some respects its fulfilment became more difficult, especially where Congress Ministries were in power. Indeed the Rulers were inclined to criticise the ineffectiveness of the provisions almost as severely as the Moslems criticised that of the provisions relating to minorities.

At one of his Press Conferences Sir Stafford Cripps said:[15] "It is not contemplated that any Dominion should be set up which consists solely of Indian States," and he explained that States which chose to remain outside any Union would retain their existing relationship with the Paramount Power (Coupland, page 38). The Draft Declaration itself provides: "Whether or not an Indian

[11] *The Cripps Mission* (London, Oxford University Press, 1942); see also Vol. I, No. 440, p. 543.

[12] '. . . th' supreme coort follows th'iliction returns.' F. P. Dunne, *Mr. Dooley's Opinions* (London, 1902), p. 26.

[13] See Vol. I, No. 440, p. 542.

[14] [Note in original:] The provisions of Section 47 in respect of Berar required the revision of the Treaty with Hyderabad.

[15] See Vol. I, No. 460, p. 575.

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State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its Treaty arrangements, so far as this may be required in the new situation." The use of the word "negotiate" must rule out any idea of unilateral denunciation of these Treaties and engagements. It is well-nigh certain that some, if not the majority, of the States will *not* adhere to the Constitution, and it would seem proper that provision should be made in the Treaty with the Union to safeguard the position of such States, presumably on the lines of the existing "special responsibility." Of States that adhere the Rulers may insist that certain functions of Paramountcy, e.g., recognition of succession, be reserved to the Crown. Further, perhaps, it should be provided that they should be free to break away from the Union and become non-adhering States. Possibly "Entrance" will be more willing if there is a door marked "Exit." But it will evidently be much more difficult for the Paramount Power to fulfil its responsibility for the protection of non-adhering States, once it has divested itself of effective authority including control of the armed forces in the territory of the "Union." How that difficulty might be overcome will be considered under "Defence."

Defence.

28. It was intended by the 1935 Constitution that, even after the inception of Federation, the functions of Government in respect of Defence should be exercised by the Governor-General in his discretion. Linked with "Defence" are the administration of "External Affairs" and "Tribal Areas," also covered by the provisions of Section II, which may well be considered together. The new Constitution will, no doubt, broadly place these functions within the scope of the Government of the "Union." But there are precedents both in the Anglo-Irish and in the Anglo-Iraq Treaty for provisions relating to external affairs and to defence. The former placed the duty of defence by sea on Great Britain, and provided facilities for carrying out that duty, until the Agreements of 1938 altered the position. The latter provided for frank consultation on foreign policy, for access to Iraq territory in case of hostilities, for air bases, for training of Iraq forces, and, by the Financial Agreement, for effective control of the port of Basra by British interests. It seems unlikely that the Indian Union, when the Treaty comes to be negotiated, will be immediately in a position to dispense with the aid of British armed force, whether acting under some kind of international control or not. As long as that position holds good, it would follow that, at the very least, there should be "frank consultation on foreign policy" between the two contracting parties. Indeed, as long as India remains in the British Commonwealth, that would be the normal position for two members. The question of the Tribal Areas will also require consideration, and for the time that India requires aid in guarding her frontiers it seems likely that she will need some assistance in administering the front line tracts. Yet

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another point for consideration is that already raised above. How will it be possible for His Majesty's Government to implement its obligations towards non-adhering States, without being able to place, when need arises, armed forces in them? Will it be enough to provide, following what is believed to be the arrangement between His Majesty's Government and the Government of South Africa in regard to Swaziland, Bechuanaland, and Basutoland, that the Government of the Indian Union will provide armed forces on request of the Crown Representative when serious trouble occurs in a non-adhering State? Or will it be necessary to ensure that British armed forces can be made available at reasonably short notice? These questions certainly need close consideration and delicate negotiation.

The link with the Crown.

29. Another matter of, perhaps, even greater delicacy is the method by which the link with the Crown is to be preserved, until such time, if ever, as India elects to leave the Commonwealth. The Draft Declaration emphasises the "Common allegiance to the Crown." But the experience of Eire shows that to enshrine that allegiance in a set form of oath has its dangers. There are many of the present Indian leaders and of their followers quite as ready as some Irishmen to regard such an oath as "an empty formula having no binding significance in conscience or in law." And indeed they have so regarded the declaration at present required from members of the Legislatures. It might well be considered whether the dropping of the Imperial title which has no counterpart in the existing Dominions, would not do much to reconcile at any rate more moderate opinion in India.

Right to Property.

30. The only other matter in which the Law at present affords some degree of Constitutional protection is the right of property. This in general cannot be taken from its holder save by due process of law. Further, there are certain provisions, which enable Governors to delay the passage of laws aiming at the minishment of certain forms of property, notably the Zamindaris covered by Permanent Settlement. It seems neither proper nor feasible to provide for the continuation of such safeguards within the Treaty.

One Union or Several Unions.

31. The detailed discussion has proceeded on the assumption that there will be a single Indian Union. It is necessary to consider what other content might be required in several Treaties to be made with two or more Unions. Whatever conclusions may be reached in regard to (1) financial stability, (2) discrimination, (3) relations with States, (4) the link with the Crown and (5) property, these would seem likely to apply equally to several Unions as to one. It might,

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however, be necessary to make separate provision in the several Treaties in regard to the division of the public external debt (if any exists) and the financial obligations of the Unions in respect of members of Secretary of State's services (and possibly of other services) who had been employed in more than one of the areas now to become separate Unions.

32. It is unlikely that special provisions will be necessary in separate Treaties in respect of internal security, which should be the sole concern of the individual Unions. But it is likely that provisions relating to external defence, which might be suitable for a unified India, would be unsuited to a divided India, especially if, as is the most probable event, the Provinces most vulnerable to land attack are separated from the rest. Further, though it would be improper to provide in any Treaty with a Member-State of the British Commonwealth for assistance from Britain against aggression by another Member-State, it would seem to be desirable to set up some machinery for deciding disputes between Indian Unions, for example about boundaries. If a number of Unions came into being "External Affairs" would be very complex. It might be necessary to provide in the Treaty for special treatment of frontier tracts.

33. There remains the thorny question of minorities. The Irish Treaty provided against religious discrimination either in Southern or Northern Ireland. It should be possible to go at least as far as that in negotiating the Treaties with several Unions, especially with the background of one of the "Four Freedoms."

Question of "repugnancy."

34. Apart from the "content" of the Treaty there is the very important matter of its authority, *vis-à-vis* the Constitutional Document, i.e., the matter of "repugnancy." The principle that the terms of the Treaty overrode those of the Constitution was embodied in the Irish Settlement. But it was removed by the action of the Eire Legislature in 1933. Prior to that the Eire Judiciary followed it. The objection to the principle appears to have been founded on the theory that Ireland had never ceased to be a sovereign State. It is to be hoped that such a theory will not be so passionately held in regard to India, and in this view it seems proper that the doctrine of repugnancy should be in some form or other recognised and maintained for whatever period the Treaty or Treaties remain valid.

35. The object of this paper has been to indicate, rather than to attempt to solve, the problems of an Anglo-Indian Treaty. They are obviously thorny enough to exclude for the present any consideration of them in the shape which they may assume, if and when India seeks to pass from Dominion status to Independence.

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Appendix II to No. 246

British Responsibilities to the Indian Princes

In Chapter 9, Part I, Vol. I of the Indian Statutory Commission's Report is quoted the following passage from the Montagu-Chelmsford Report:—

> "In spite of the varieties and complexities of treaties, engagements and sanads, the general position as regards the rights and obligations of the Native States can be summed up in a few words. The States are guaranteed security from without; the paramount Power acts for them in relation to foreign Powers and other States, and it intervenes when the internal peace of their territories is seriously threatened. On the other hand, the States' relations to foreign Powers are those of the paramount Power; they share the obligation for the common defence; and they are under a general responsibility for the good government and welfare of their territories."

2. The formal basis for British responsibilities is primarily the Corpus of Treaties Engagements and Sanads.[16] Only with some 40 States were Instruments in the form of Treaties actually concluded: but most States have agreements of a formal character or Sanads. They all involve acceptance by the British Government of responsibility for the external relations of the States and for their external and internal defence. But the relationship so established varied in accordance with the circumstances of the time when the individual engagements were made. The leading features of the three main historical periods of treaty-making are briefly described in Annexure 1 to this note.

3. *Interpretation of British Responsibilities in the light of changing conditions.*— In a Despatch in 1917, the Secretary of State for India, Sir Austen Chamberlain, wrote:—

> "In the scrupulous maintenance of our Treaty obligations nothing less than the honour of the Sovereign is involved and no Government can seek to belittle them. The relations of Government with the Chiefs are, however, necessarily subject to variation, and the literal fulfilment of an obligation may become impossible, either through change in essential circumstances, or by the mere passage of time. Again many of the Treaties were concluded before the Crown stood forth—in Lord Canning's phrase—the unquestioned Ruler and Paramount Power in all India; and, since that event, considerations of the general good of the Indian body politic have necessarily become a new factor in their interpretation. While they remain unrepealed in the letter and binding in the spirit, a constant development of constitutional doctrine is in process. But of that process, the superintendence, direction and control must remain in the hands of the Paramount Power."

[16] [Note in original:] "Sanad" may be translated as a diploma, patent, or deed of grant by a Sovereign of an office, privilege, or right.

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A careful analysis of the only actual treaties with Indian States (some 40 in number as stated in paragraph 1 [2]) was made by the Government of India in a note attached to a Despatch of 1930. Though too lengthy for reproduction as an annexure to this note, this analysis can be readily made available for perusal if desired. It shows that only half these treaties had assurances of "absolutism," and that there is good cause for interpreting even these assurances at less than their face value. In fact, it may be said that the responsibility of the British Government for the protection of the Indian States has involved, in process of time and by the exercise of paramount power, a series of encroachments on the internal sovereignty of the Rulers which it was originally responsible for maintaining. The Canning Sanads of 1862 (see paragraph 5 above)[17] expressed the "desire of the Queen Empress that the governments of the Sanad-holders 'should be perpetuated'," but it is a natural corollary that "nothing which is inherently [in]capable of survival should be artificially perpetuated" (the latter quotation is from a communiqué issued by the Crown Representative on the 16th April, 1943, in connection with the Western India Attachment scheme).

4. *Occasions of Intervention and extent to which above definitions of British Responsibilities are accepted by Indian Rulers.*—An endeavour to list the encroachments on the internal affairs of States was made by the Government of India in the same Despatch of 1930. The "occasions of intervention" as they were then described are detailed in Annexure 2 to this note. Some of these "occasions of intervention" are obviously acceptable to Rulers, some indeed are embodied in agreements with Rulers. But in regard to many of them (e.g., intervention to improve their administration) there has been much controversy. In fact, the doctrine of Paramountcy as defined in Sir Austen Chamberlain's Despatch (paragraph 7 [3] above) has never been accepted by the Princes as a whole. Sir Leslie Scott and other Counsel were briefed by a body of them to represent to the Indian States Enquiry Committee in 1928–29 (the Butler Committee) that their relationship with the Crown is *contractual* in a sense and to an extent which precludes either party from modifying it except with full and willing acquiescence of the other. They contended that the Rulers continue to be sovereign and independent in their internal affairs except to the extent to which they have expressly surrendered any portion of that sovereignty. The Butler Committee did not accept this contention, its conclusion being that the relationship between the Crown and the States is *sui generis*. "We have endeavoured; as others before us, to find some formula which will cover the exercise of Paramountcy, and we have failed, as others before us have failed, to do so. The reason for such failure is not far to seek. Conditions alter rapidly in a changing world. Imperial necessity and new conditions may at any time raise unexpected situations. Paramountcy must remain paramount; it must fulfil its

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obligations, defining or adopting [adapting] itself according to the shifting necessities of the time and the progressive development of the States. Nor need the States take alarm at this conclusion. Through paramountcy, and paramountcy alone, have grown up and flourished those strong benign relations between the Crown and the Princes on which at all times the States rely. On paramountcy, and paramountcy alone, can the States rely for their preservation through the generations that are to come. Through paramountcy is pushed aside the danger of destruction or annexation," (paragraph 47[57] of Butler Committee Report).[18]

5. *Individual Obligations to States.*—This note does not deal with the various specific obligations owed by the Crown to individual States, which might be said to come under the head of British Responsibilities. Many of these were considered in detail by the Indian States (Financial) Enquiry Committee (the Davidson Committee) in 1932,[19] with a view to their absorption in the scheme of Federation. They include rights in respect of Salt, Posts and Telegraphs, Customs in a few cases, and currency, claimed on the basis of written engagements or usage as exceptions to a régime otherwise applicable by law in British India and by agreement with the State to India as a whole.

Obviously the Crown is responsible for ensuring that the Princes are enabled to negotiate a fair bargain in respect of these rights as a condition of inclusion in any all-India federation, and in fact they formed one of the main subjects of the Federal discussions with the Princes up to the outbreak of war.

There are also specific undertakings to keep "subsidiary forces" in certain States (Hyderabad, Cochin, &c.) which in many instances have either lapsed or been honoured in the breach. They may be said to fall under the general responsibility for protection and it is pertinent to observe that in several important cases (notably Hyderabad and Baroda) the assurance of protection and the resources for maintaining the subsidiary protective forces were dependent upon cessions by the States concerned of great tracts of territory which thus became embodied in British India. Hyderabad has gone so far as to suggest that any withdrawal of the assurances would involve the return of these territories.

[*Annexure 1 to this Appendix on the Treaty-Making Periods; and Annexure 2 summarising the Occasions of Intervention stated by the Government of India in its Despatch of 1930, omitted.*]

[17] It is not known what is intended by this reference. [18] Cmd. 3302.
[19] The Report of this Committee was published as Cmd. 4103.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *1 February 1945*
Received: 6 February

Your three telegrams[1] elucidating the position so far as you had reached it with Desai and asking for authority to proceed now to discuss the matter with Desai and Jinnah, have been before the Committee.[2] One of the main points on which they still wished to be more certain in their minds as to your idea of the situation was how far any interim executive would in fact be selected by yourself from names submitted to you or merely put to you for formal acceptance. There is, of course, an obvious range of possibilities between the two extremes. Obviously, as in the formation of any government here, you could hardly take members belonging to a particular party of whom the party leaders thought nothing. Equally, it would be a serious constitutional change in effect if you had to take men whom you distrusted or thought incapable, merely because Jinnah or Desai had nominated them. Personally, I should have thought the matter was one for commonsense judgment of the situation: the Committee, however, did a lot of hair-splitting on the question of which of two incompatible "principles" you were pursuing, and the result has been incorporated in a certain amount of rigmarole in a telegram[3] to you which has been sent out to Winston[4] for his concurrence. The telegram also approves of your seeing Jinnah and Desai together, but as non-committally as possible, subject to your being able to tell them, if their proposition looks at all serious, that you will submit it to His Majesty's Government. It is all rather roundabout and you and I must both exercise a good deal of patience, so that we may be sure of having at any rate the majority of the India Committee in the right mood before they meet you in person and before the whole matter comes to the Cabinet.

2. Another point which they did not wish to burden their present telegram with, but on which they wished me to telegraph to you separately, is as to what you have in mind with regard to the representation of minorities other than Moslems and of such elements as the Mahasabha on the Hindu side, and Moslems, like the members of the Punjab Government, who do not obey the crack of Jinnah's whip. In view of all that the Punjab has done in the war it would look pretty strange if that element, whether on the Moslem or on the Hindu side, were not in the picture. But in your telegram you talk of an executive of ten, apart from the Commander-in-Chief and yourself, providing for four Hindus, four Moslems, one Sikh and one Scheduled Caste. I should

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have thought that that was, for working purposes, rather too small an executive and I should indeed be inclined to err on the side of too many rather than too few, if necessary breaking up Education, Health and Lands into three separate departments. Presumably, too, you would want to keep Dalal for Reconstruction. I should hardly think it would make too unwieldy an executive if, in addition to your Sikh, Ambedkar and Dalal, you had at least one non-League Muslim and a Punjab Hindu or a Mahasabha representative, and perhaps even left yourself room for an additional couple of your own choosing. Clearly, Desai and Jinnah are not entitled to share the whole field of government between them, more particularly if Desai cannot answer for more than the moderate right wing of Congress.

3. What Desai has told you about that is certainly very interesting, though possibly not altogether encouraging. No doubt Birla and Co. would much sooner work with the Congress right wing, especially if Gandhi fades out of the picture, than with Nehru and the advanced aggressively socialist left wing. But the question at once arises whether, if you form such a Government, will the rank and file of the Congress Party in the Legislature and outside support it, or will they simply clamour for the release of the interned leaders; and will those leaders, when released, then work all out to make mischief? I can hardly imagine Nehru not going all out to make mischief if he is not included in the team or even in the negotiations. Some of the others, I dare say, are oldish men and may not be longing, after several years of internment, for a life of excitement, with its possibilities of reinternment.

4. With all these considerations in view, I doubt whether you could regard yourself as in any sense out of the wood, even if Jinnah and Desai definitely agreed to come in and were reasonable about the inclusion of other elements. Naturally, I am doing all I can to support you with the Committee here, though it is pretty heavy weather and Cripps alone is a really stalwart supporter. In any case, I entirely share your view that it would not do for us to slam the door in the face of any initiative that was at least *prima facie* genuine, and that we are bound so to explore its implications that if the thing breaks down it will not have been because of unreasonableness on our part.

5. Meanwhile, what about your existing Council? Desai does not seem to have talked much, but still quite enough, for the idea of a political interim Council getting into the air and I imagine that must mean at some early date a frank discussion with your colleagues. That is an aspect of the matter that has always rather disquieted me, for I remember well what a shock it was to the Council when Cripps came out and sprang on them his proposals within a few hours of his meeting the Congress leaders. Your colleagues are at present

[1] Nos. 235, 236, and 237. [2] Nos. 238 and 242. [3] Appendix to No. 242.
[4] On 29 January Mr Churchill left Britain for the Yalta Conference (5–11 February).

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the only instrument you have got and it is making a considerable demand on their spirit of self-sacrifice to ask them to stand down, or to leave them for a period of many weeks perhaps in uncertainty as to whether they are to stand down or not. Certainly, if they do have to stand down, I hope it will be possible to find suitable posts, diplomatic or otherwise, for some of them.

6. Meanwhile, I am leaving my own ideas as to the right setting of all this simmering quietly in the background. There is no pain like the pain of a new idea, and the India Committee are certainly at present rather bewildered by my suggestions, and glad to leave them for future discussion. Their attitude is, I think, a little like that of the Vatican towards Copernicus' revolutionary ideas as to the relation of the sun and the earth.

7. I am still without a Governor for Madras. Strathcona and De La Warr each, after due consideration, found that they could not get away from their private affairs here at home, and now I have had the same answer from Feversham, whom I had brought back from the Western Front, and who made an excellent impression on me. To add to the difficulties, Winston has now disappeared into the Crimean blue and I am telegraphing to him for his consent to my sounding three or four people (the Palace consent I have already obtained), viz., Munster, Norfolk, Rennell, Airlie, and Hood. Winston will not have a commoner, as he is reluctant to have a by-election so near to a possible general election. I am afraid, too, that he won't let Munster go from a department to which he has just been appointed in view of the difficulty of replacing him by someone really suitable. He is more likely, perhaps, to agree to the Duke of Norfolk, who would, I think, do quite reasonably well as a fine, straightforward, simple fellow, with a big name behind him. It is true that he is a Catholic and that one would sooner not have another R.C. immediately after Hope, but it may not be possible to help that. At the same time, I doubt very much whether he for his part would agree to leave his big private interests at home, so everything is still very much in the air. It looks to me almost inevitable, in view of this, that Hope will have to be prolonged for a few weeks.

8. I have just received another telegram[5] from you about the foodgrains position. I can assure you that I go on stirring up Leathers and the rest of the Foodgrains Committee at very short intervals; but the position is one of extraordinary difficulty. Dick Law went over to Washington and got from the Americans a fairly satisfactory allocation of merchant shipping; but whatever the State Department, Morgenthau, and others agree upon on behalf of their Government seems to count for very little if the Service Departments refuse to play, and Admiral King and the American Service Departments generally seem to be insatiable in what they insist upon having for their operations, more particularly in the Pacific, and grossly wasteful in their use of the shipping they have got. The whole thing has to be fought out again at the meeting of

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the Big Three and I can only hope that Leathers will manage to secure a reasonable allocation for us. He is certainly well disposed and neither he nor our Chiefs of Staff underestimate the importance to India's whole war effort and to her capacity to serve as a base of operations of maintaining confidence with regard to the food situation.

[Para. 9, on Commonwealth Science Conferences; and para. 10, on a report on Indian Government grain monopoly schemes, omitted.]

[5] 246-S of 31 January. L/E/8/3325.

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Mr Churchill to Mr Attlee (via Air Ministry)

Telegram, R/30/1/5: f 95

IMMEDIATE *2 February 1945, 4.6 pm*

JASON No. 64. For Deputy Prime Minister from Prime Minister.

1. Foreign Secretary and I have carefully considered your proposed telegram[1] from Secretary of State for India to Viceroy and its enclosures, and also your minute.[2] We consider the telegram admirable and have only two very small amendments to suggest. First, to omit last sub-paragraph of your paragraph 2 beginning "It is of course possible". We do not think that the House of Commons on a matter of such magnitude would be inclined to acquiesce in an important transformation like this otherwise than by legislation or at the very least without express Parliamentary sanction, which might not be forthcoming in the present Parliament. Secondly, in the first line of paragraph 5, for "do so" substitute "see them on the basis of no commitment".

2. We thank the India Committee for the great care they have given to this difficult approach.

[1] Appendix to No. 242. [2] No. 243.

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Mr Attlee to Mr Churchill (via Air Ministry)

Telegram, R/30/1/5: f 94

3 February 1945, 2.50 pm

FLEECE No. 102. For Prime Minister from Deputy Prime Minister.

Many thanks for your JASON 64[1] 2nd February. Committee will appreciate your message.

[1] No. 248.

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2. Alterations suggested by you and Foreign Secretary have been made and telegram despatched.[2] Intention of last sub paragraph of paragraph 2 was in fact to warn Viceroy so that he should not be led to accept changes without authority of Parliament, but I agree that this point is sufficiently covered by preceding sub paragraph.[3]

[2] See No. 242, note 7.
[3] Mr Attlee informed the India Committee of the gist of Nos. 248 and 249 at its meeting on 6 February 1945. *War Cabinet India Committee. I(45)7th Meeting.* L/PO/6/108b: f 117.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/521: f 47

IMPORTANT INDIA OFFICE, *3 February 1945, 2.35 pm*
PRIVATE

86. My telegram No. 2749[1] d[ated] 3/2 in Superintendent Series. Instances given of important elements in Indian national life whose attitude we should have to take into account were of course not meant to be inclusive. I think it would be valuable to my colleagues to have your estimate of probable reactions of Indian States to Desai's proposals.

[1] This should read 2750 of 3 December; see No. 242, note 2.

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Sir F. Wylie to the Nizam of Hyderabad

L/P&S/13/982: f 127

POLITICAL DEPARTMENT, NEW DELHI, *3 February 1945*

I am writing to thank Your Exalted Highness for your letter of 20th January[1] which I have taken the liberty of showing to His Excellency. I entirely agree that the times are such that it is necessary to take careful stock of the whole present situation in India with a view to deciding how best to secure a settlement of the many issues which are confronting the country. I can assure you that all these matters are receiving the constant attention of the Viceroy who can be trusted to decide when the time comes how his personal influence and authority can best be utilised.

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I was myself very interested to see Your Exalted Highness's suggestion that there should be at some stage a separate conference with the *senior* Princes to discuss the affairs of the Indian States. I think that this suggestion may prove at a later stage to be very helpful and it is a proposal which should certainly not be lost sight of when the time comes.

Your idea of a Commission to examine the Treaties with the Indian Princes is also interesting. This whole subject however has many difficulties for, as Your Exalted Highness is well aware, there are only about 40 "treaties" all told, the protection which the general body of the Indian Princes enjoy depending ultimately on the friendship and good will of the British Crown and Government—friendship and good will which I need hardly assure you are as strong and as deep as ever. Actually as I see it the real crux of the present day problem as it affects the Princes is how the petty Indian States—the vast majority—are to be fitted into the new India which I personally hope will emerge after the war is over. This is a most complex question and one regarding which it is on all grounds most desirable that the assistance and advice of the senior Princes should be constantly available to the Crown Representative when the time comes to tackle it. If for this reason only I was very glad to see from Your Exalted Highness's letter that the present situation in the country is attracting your close attention and interest.

With my kindest regards and best wishes.

Yours sincerely,
F. V. WYLIE

[1] No. 217.

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Field Marshal Viscount Wavell to Mr Amery

L/E/8/3821: ff 502–3

No. 623/22-G. THE VICEROY'S HOUSE, NEW DELHI, *3 February 1945*

My dear Amery,

Thank you for your letter of 25th January 1945[1] about future trade relations between the U.K. and India. Dalal is, of course, well aware that this is a most difficult matter, and paragraph 7 of my letter of 2nd January[2] was intended only to keep you informed of the lines on which he is thinking. I have given him the gist of the first three paragraphs of your letter, and a copy of the memorandum you enclosed, and will talk to him again as you suggest.

[1] No. 232. [2] No. 178.

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2. I doubt if Dalal is yet quite clear about what he wants and what the constitutional position is. When I saw him on 2nd January he had three points in mind:

(*a*) all *new* development should, so far as possible be under Indian control. This means

(i) incorporation in India;
(ii) at least 51% Indian capital; and
(iii) a majority of Indian directors.

(*b*) Government should be free to participate in development as sole owner, or as a partner with business interests.

(*c*) Development should be planned both regionally, and for quantity and quality of production.

As far as I am able to judge without expert advice there is nothing in the Government of India Act to interfere with (*b*) and (*c*), though policy under these heads could undoubtedly be used to favour Indian as opposed to British and Foreign enterprise. I understand it has been found that under our war time controls opportunities for selecting one or two firms for special treatment in preference to others have been fairly frequent. Many of the firms so selected have been British.

The real difficulty is under (*a*), and Dalal seemed to think that if he could talk to some of the leaders of British industry he could persuade them to agree to partnerships of the kind he believes Indian opinion now wants. Up to a point he may be right, as I have no doubt that big British concerns may arrange privately, and without reference to the Government of India, partnerships with Indian concerns satisfactory to both parties. You give two instances in paragraph 4 of your letter. But I pointed out to Dalal that it hardly seemed possible to "contract out" of the statutory safeguards in a general way, and that an amendment to the Constitution Act would be extremely difficult. He agreed that although an amendment of the Constitution Act would have a great psychological as well as practical effect, it would be opposed by British industry in India, and might also be criticised by the Congress as giving away points or making terms with British industry which should only be done as part of a general political settlement. We agreed that the whole matter required a much closer expert examination, and I understand that Dalal's department has now undertaken this.

3. Please do not regard this as a considered statement of Dalal's views or my own. He has only just begun to examine this very difficult matter, and it may take him weeks to put forward any definite ideas.

Yours sincerely,
WAVELL

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET VICEROY'S CAMP, BANGALORE, 5 *February 1945*
No. 5

Many thanks for your letter of 24th January.[1] I received your telegrams of 3rd February[2] about the Desai proposals just as I was starting off on tour. His Majesty's Government are obviously jibbing badly at a fence they have got to face some time; you might remind them of the old hunting maxim: "the longer you look at it, the worse it gets". I shall probably have replied to your telegrams before this letter is typed, so I need say no more about the proposals here.

2. Many thanks for your amplification of your views about the removal of Parliamentary control. I was not confused by any pre-conceived ideas about "responsibility". I am sure that Parliamentary control is an essential part of our present organisation, with an Executive Council composed of men selected for their individual qualities, who have no political influence or party support. If control were removed in present conditions, we might be able to carry on for a time, but the Executive Council has no roots and the grant to it of something like the status of a Dominion Government would have no political significance. Nor do I see how even in theory the Governor-General could, as an individual, be invested with final authority for the Government of India. I am also quite sure that the Muslims and the other minorities would be seriously alarmed by the lifting of Parliamentary control before a new Constitution had been agreed. We could, however, while retaining the ultimate control give a popular government of the Desai type, if it proved a success, a pretty free hand in practice. I think you have a wrong conception of the standing of the present Executive Council. I have acknowledged more than once the services rendered to India by my Indian colleagues during a very difficult time. But in India it is clear enough that the influence of Council is small and that politically it is impossible to build on Council as it now stands.

3. There have been no developments of importance in all-India politics since I last wrote. "Independence Day" (26th January)[3] was given great prominence in the nationalist press, but there was little enthusiasm, and Gandhi's advice to Congressmen not to invite a conflict with the authorities is believed to have been due to his knowledge that people were not greatly interested in the Day. The re-imposition of restrictions on five leading Congressmen in Bihar seems to have caused no great excitement.

[1] No. 230. [2] See No. 242, notes 2 and 7 and No. 250. [3] See No. 227, note 7.

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4. Provincial politics are quiet. I saw Baldev Singh, the Punjab Development Minister, on 31st January. Like Khizar, he is concerned about the possibility of a political settlement arising out of Desai's move, and thinks that if the Muslim League took office at the Centre, the survival of the Unionist Party and Ministry in the Punjab would be doubtful. Glancy is of the same opinion and the provincial view has been put to me in much the same terms both by him in a letter[4] and by Khizar and Baldev Singh[5] and by Firoz Khan Noon.[6] All three obviously received inspiration from the same source. The nervousness of the Punjab Unionists is not very easy to understand for there is a strong common feeling among all Punjabis, and given determined leadership I have no doubt the Unionist Party and Ministry could survive, whatever happened at the Centre. But in spite of the Party's break with Jinnah and the League, there is still a reluctance, inherited perhaps from Sikander, to come out into the open, and though Khizar is more confident than he was, he obviously dreads a split among the Punjab Muslims. I have taken the line in speaking to anyone from the Punjab that their slogan should be "we are the united Punjab and care nothing for Congress or League and have no intention of letting them interfere in our affairs". But even in the Punjab it is difficult to find anyone who will openly defy Gandhi and Jinnah.

5. I have asked Khare to do his best to keep Shafa'at quiet when he returns to India. This will not be easy, as we have no hold over Shafa'at. I have had a telegram from the Executive Committee of the Natal Indian Congress suggesting that Deshmukh should not go to South Africa and that until the Pegging and the objectionable Natal Ordinances are repealed we should send no more High Commissioners to the Union. The Commonwealth Relations Department think that this telegram was inspired by Shafa'at whose conduct throughout has been prompted by personal prejudice. Meldrum, the Indian Civil Service Secretary who is in charge of the High Commissioner's Office pending Deshmukh's arrival, reports that he is reliably informed that Smuts intends to advise against assent to the Natal Occupation Ordinance on the ground that it is unconstitutional. Meldrum adds that Smuts has suspended the sittings of the Broome Commission and hopes that after assent to the ordinance has been refused, he may prevail upon the Indian leaders to co-operate again in the Commission's work. If this is correct, nothing much will happen in South Africa until after the present session of the Union Parliament, and if we can keep quiet here, there may be a good chance of getting the conference idea accepted. I advised Deshmukh to try and get Indian representatives to rejoin the Commission. Unfortunately an adjournment motion has been put in for discussion when the Assembly meets. I was unable to talk to Khare about it as he was away on tour up to the 4th February, when I left Delhi myself. But I sent for Sultan Ahmed, who as Leader of the House is mainly responsible for

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our parliamentary tactics, and explained my views fully to him. I suggested that he might get hold of the mover of the adjournment motion and the Leader of the Opposition, and try to have it withdrawn. Failing this it was essential to avoid an intemperate debate and we should have to take the line that Deshmukh, who does not leave for South Africa till 10th February, must be given a fair run and allowed to settle in; that the fate of the Natal Ordinance is not yet known; and that there is still hope of fresh negotiations with the Union Government. Sultan Ahmed promised to do his best. Spence thinks that neither he nor Khare is very adroit in dealing with the Opposition behind the scenes, but believes that Sultan Ahmed has more chance than Khare of pulling it off. At a Council meeting on 3rd February I told my colleagues how important I thought it was that the debate, if one took place, should be kept under control.

[Para. 6, on the India Office's delay in replying to a telegram on the Directorship of Dairy Research; para. 7, on the leakages in the Indian Agency-General in Washington; and para. 8, on appointments to Indian supply and publicity services in Washington, omitted.]

9. I agree that a visit to India by a Parliamentary delegation would not be opportune at present when His Majesty's Government's policy is still unsettled.[7] I have not made enquiries about finance, but I should say that if at any time we think a visit desirable there would be no difficulty about the expenses.

10. Thank you for the information about the recommendations made at home for celebrations on the defeat of Germany. I have passed them on to the departments concerned, and will consider what should be done in our rather different conditions here.

11. I have had a talk with Morray who has been carrying out a preliminary investigation of the extent to which the British Council could usefully work in India. He seems to think that a good deal might be done to supply literature, distribute films, organise art exhibitions, and so on, and in the educational and academic sphere. I gather he will propose the appointment of a representative of the Council with an administrative officer in India, and the establishment at home of an Indian Division with a Director and an Indian adviser.

[Para. 12, on Council discussion on the employment of women in mines and war allowances for civil servants; and para. 13, on finding a Director of Merchant Seamen's Welfare, omitted.]

[4] Dated 5 February 1945. Wavell Papers, Political Series, April 1944–July 1945, Pt. I, pp. 182–3.

[5] This letter is not printed in Wavell Papers, Political Series.

[6] Dated 30 January 1945. Wavell Papers, Political Series, April 1944–July 1945, Pt. I, pp. 175–6.

[7] Mr Amery informed Mr Greenwood of Lord Wavell's view on this proposal in a letter dated 28 February 1945. Mr Amery added that if the German war ended during the summer, he hoped the situation would be more favourable in the autumn. He also felt that if a visit were arranged, the delegation should be composed of representative members of both Houses and should primarily inspect the conditions in which troops were serving. L/PO/6/102c.

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14. I started off on tour on the morning of 4th February, and this letter will be despatched from Mysore. We are spending a couple of days at Bangalore and reach Mysore on the afternoon of 6th February, after visiting the Kolar Gold Field. The Dewan, Mr. Madhava Rau, met us at Bangalore where we have been staying with the Resident. We shall see His Highness the Maharaja at Mysore.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *7 February 1945*
Received: 12 February

Most of my past week has been spent trying to find a Governor for Madras. Feversham impressed me most favourably and I thought he was really ready to go. But I think his wife (Halifax's daughter) talked him round and made him feel that his first duty for the next few years lies to his estates and his tenants in Yorkshire. I had a note a few days afterwards from Linlithgow to say that he was by no means sure that Feversham might not reconsider if pressed. I promptly rang him up, only to find that he had just left for the Western Front again. I then tried Norfolk and finally Munster, who might have done very well, but whom I had not thought of asking for before because I did not think that Winston was ready to spare him from his new job. Now the thing has got so late that obviously, even if I could find the right man tomorrow, he could not get out by March 12th, and therefore the question arises either of an acting Governor for a few weeks or of prolonging Hope. In the latter case there is much to be said for giving him six months, i.e., over the hot season, and enabling me to look round at greater leisure. What I don't like about prolonging Hope is that one is to some extent sitting on a volcano, . . .[1] If you did recommend in favour of continuing Hope I should still have to put the whole thing very frankly before the Palace as well as the Prime Minister, and the former might very possibly object.

[Para. 2, on the appointment of the Political Adviser to the Viceroy; and para. 3, assessing Sir Akbar Hydari and Mohammed Ali, omitted.]

4. I am very disappointed to see from telegram No. 1137[2] of 3rd February from the Information and Broadcasting Department that Sir F. James will not, after all, be able to visit the U.S.A. Both my Office and the Ministry of Information are however looking forward to his undertaking some speaking engagements during his visit to this country in April or May.

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It has been made so clear to me that there is a real need for European speakers with up-to-date knowledge of Indian conditions in America that our failure to produce any this year has been decidedly unfortunate. I very much hope that it will be possible to produce two or three really good Europeans for the next season commencing in September. I gather that P. J. Griffiths is likely to be available then, and I am sure he would be as big a success in the U.S.A. as he was during his short visit here last year.

I know that your Department of Information and Broadcasting have been planning to send some Indian speakers to America this season and Zafrulla has mentioned to me that he would like something to do in the recess; and as he has raised the point himself I wondered whether, if there were no objection at your end, you might think it worth while enquiring from Bajpai whether it would be useful for him to visit the U.S.A. then. There is, of course, some doubt about this if for no other reason than that the lecture season in America closes at the end of May. I have said nothing to Zafrulla about this, but if such a plan would fit in with Sultan Ahmed's arrangements for Indian speakers in America you might like to put it to him on his return. My Office is in touch with the Office of the High Commissioner with a view to arranging an air passage for him about the middle of March to enable him to get back in time for the work of the Federal Court.

5. I have read some of the papers prepared for the Institute of International Affairs Conference and they seem pretty sensible. It is a great pity that the Delhi Institute had not sufficient vitality or comprehensiveness to prevent the other show[3] being formed. Mrs. Pandit seems to have talked egregious nonsense in America; but Americans are so naïve and she has, I believe, so attractive a personality, that from her they might even swallow the statement that India is one vast concentration camp and that there are no religious differences, but only unanimity of passionate desire to escape from British oppression.

[Para. 6 on Mr Amery's conversation with Lady Reading; para. 7, on using information on the Far East accumulated by the Ministry of Economic Warfare in New Delhi; and para. 8, on the Russian Army's progress in Europe, omitted.]

9. I am by no means sure that the collapse of Germany is going to mean the kind of release of effort and supplies that was thought at one time. When the collapse comes, I believe it will be the most awful scene of chaos, banditry and wholesale starvation that has ever been known. What with millions of soldiers making for their homes, and equal number of millions of imported semi-slave labour doing the same, as well as escaped prisoners of war, it looks

[1] Personal comments omitted. [2] L/I/1/985.
[3] Namely, the Indian Council of World Affairs; see No. 93, note 8.

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as if only those who are ruthless enough to seize the food by force will get it. In those conditions the demand for sacrificing everything else to pushing in additional supplies into Europe may become overwhelmingly strong. Even as it is, the needs of France and Belgium have compelled a certain modification of earlier plans, and they are nothing to the situation which may develop in Central Europe.

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The Nawab of Bhopal to Field Marshal Viscount Wavell

L/P&S/13/982: f 95

QASRI-I-SULTANI, BHOPAL, *9 February 1945*

My dear Lord Wavell,
May I invite reference to Your Excellency's letter of 8th January, 1945?[1] A further indication of Your Excellency's wishes in regard to the matters mentioned in that letter is awaited.

2. In the meantime, the Special Committee of Rulers which met recently in Bombay have unanimously decided to approach Your Excellency with the request that you may be pleased to convene as early as possible the Session of the Chamber of Princes postponed last December. They further request that Your Excellency may kindly direct the Secretary of the Chamber to take immediate action to hold bye-elections to fill the vacancies caused by the resignations of the office bearers of the Chamber. The Princes feel that these resignations should not interrupt for any length of time, particularly at the present crucial juncture, the normal functioning of the Chamber machinery.

3. It may be recalled that at the time of the inauguration of the Chamber, His Majesty the King Emperor was graciously pleased to declare that "My Viceroy will take its counsel freely in matters relating to the territories of the Indian States generally, and in matters that affect those territories jointly with British India or with the rest of my Empire." Times are moving very fast and the Princes strongly feel that the need for such free consultations was never greater than at present.

Yours sincerely,
HAMIDULLAH

[1] In this letter Lord Wavell thanked the Nawab of Bhopal for an offer to explain further the reasons for the resignations from the Chamber of Princes. Lord Wavell said that at a later stage he would be glad to take advantage of the offer if the need arose but that 'meanwhile I intend to take a little more time to consider fully the situation.' L/P&S/13/982: f 139.

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War Cabinet

India Committee. Paper I (45) 23

L/PO/6/108b: ff 114–15

INDIA POLICY

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *9 February 1945*

With reference to I. (45) 5,[1] I circulate a note prepared by members of my staff in consultation with some of my Advisers, on the suggestions made by the Minister of Aircraft Production.

As regards indirect election based on the village community, its practicability seems to be essentially a matter for Indians to decide. The conclusion of the Franchise Committee seems to me somewhat theoretical.

L. S. A.

COMMENT ON THE NOTE BY THE MINISTER OF AIRCRAFT PRODUCTION

(*a*) *Use of indirect election based on the village community.*

Professor Coupland made a favourable reference to this possibility in Part III (page 47) of his Report.[2] However, the Indian Franchise Committee (under the Chairmanship of Lord Lothian) had previously considered the suggestion in 1932. For ease of reference an extract from Volume I, Chapter III, of their Report is appended. As will be seen from paragraph 41 the Committee considered it impracticable to employ indirect election based on the village as a unit, and this broadly for two reasons, first, in the vast majority of cases the elements of the necessary machinery in the form of self-governing institutions were absent; and, secondly, the general body of evidence indicated that caste factions and local feuds would only be intensified by making the village an electoral unit. Although there has been an extension of the village panchayat system in certain areas since the Committee reported, it has been on nothing like the scale to suggest that their conclusions would have been different to-day.

As the Appendix shows, other forms of indirect election were also rejected by the Committee.

While there may well be advantages in one or other system of indirect election (a few examples of which are actually to be found to-day in the Indian States), it would need a full enquiry on the scale of the Indian Franchise

[1] No. 188. [2] See No. 48, note 3.

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Committee to decide on the suitability of any such system to future constitutional arrangements in India.

(*b*) *The Soviet analogy.*

It is presumed that the suggestion contemplates a Second Chamber in the Central institutions of a Unit, i.e., whether of a group of provinces (or provinces and States) forming Pakistan, or Hindustan, or of a Region, or even of a united British India. There would hardly seem to be a place for it as an organ of a loose Federation, since it could not have the requisite powers over local authorities; while again it would be inappropriate for some at least of the constituent units, e.g., for a Province such as Orissa where communal tension is almost absent owing to the small size of the Moslem Community.

The Soviet body referred to is the Soviet of Nationalities, one of the two co-equal Chambers forming the Supreme Soviet (under the Constitution of December 1936). It consists of 574 members, 25 from each Union Republic, 11 from each Autonomous Republic, 5 from each Autonomous Region, and 1 from each smaller national area. The deputies are elected by the voters on the basis of universal, equal, and direct suffrage by secret ballot. The independent status of the Union Republics thus represented in the Soviet of Nationalities was further enhanced by an amendment of the Constitution in February 1944, which expanded their rights in the fields of defence and foreign affairs. In reporting this development in a despatch of the 22nd February, 1944, Sir Archibald Clark Kerr remarked that neither Chamber of the Supreme Soviet "has ever been known to do more in matters of principle than to confirm the proposals which have been submitted to it by the executive authority with the prior sanction of the Central Committee of the All-Communist party."

The practical working of the Soviet of Nationalities does not, however, impair its theoretical interest in relation to Indian problems. If a Second Chamber or Chambers were to be created in India on analogous lines the combination of racial and religious representation would present some difficulty. Equal representation might, as suggested, be given to Hindus and Moslems, and suitable but smaller representation to the Scheduled Castes, Sikhs, Anglo-Indians and Indian Christians. If in addition to religious representation provision had to be made for racial representation it would be possible, in theory, to divide the Hindu representation, e.g., among Oriyas, Mahrattas, Gujeratis, Jats, Andhras and the like. The practical effect, however, might be to exacerbate existing differences within the community, because racial and caste divisions tend to coincide. It would be less easy even in theory to introduce a similar division into the Moslem representation and an attempt to do so might provoke discord by the revelation of a high proportion of Moslems of converted Hindu origin. The scheme would not, therefore, necessarily promote the objects desired.

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The details would require much study and discussion. For instance, the decision whether a particular matter directly affected racial and religious feelings, and so became subject to the veto of the Second Chamber, might, on occasion, be very contentious and could hardly be left to a President or Speaker belonging to one of the major communities.

An alternative suggestion has been made that communal issues should be referable to the arbitrament of a quasi-judicial court, small in size but representative of the various communities and presided over by an eminent judge. There is reason for thinking that a suggestion of this kind might have considerable support in India. A parallel suggestion discussed by Coupland (Vol. III, page 53) in relation to the Provinces is that a Communal Council, consisting of three elder Statesmen, might be set up in each Province to assist in dealing with communal questions. It could deal with matters referred to it, whether legislative projects or acts of administrative justice for which no remedy was available in the ordinary courts, and it might have either a power of veto or the more limited power of making recommendations. It could also have a positive function in the form of a "watching brief."

(*c*) "*A very loose federation*" *between Hindustan and Pakistan.*

Any such federation would presumably have to be planned so as to include the Indian States, whether as component parts of Hindustan and Pakistan or as a separate unit or units.

At the very least a federation would have to make provision for a common foreign policy—the federation would have to act as a unit in relation to foreign countries—and for common measures of defence. Federal control of defence entails control over supply and provision must, therefore, be included for the power to raise revenue by taxation or by the levy of contributions from the partners to the Federation. There would, however, need to be constitutional provision to enable the Federal Centre in the event of war to assume powers enabling it to issue directions to the units of the Federation comparable to those at present exercised by the Governor-General in Council in virtue of the Government of India Act (Amendment) Act 1939 dealing with a Proclamation of Emergency.

An historical instance of a loose union between two nationalities was the compromise reached between Austria and Hungary in 1867. The Hapsburg dominions fell into the Austrian and Hungarian halves, which were united only in the person of the sovereign and their common institutions, which included the Ministries for Foreign Affairs, War and Finance (the two last-named only for affairs of common interest) and the Austrian and Hungarian delegations composed of representatives of both halves of the Empire, which were to debate on common affairs in Vienna and Budapest alternately. The financial difficulties of the dual monarchy were notorious.

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Other historical examples of loose unions may be cited. Norway and Sweden were united under one King from 1814 till 1905; the union has been described as really an offensive and defensive alliance under a common King, each country retaining its own government, parliament, army, navy and customs. It was dissolved in 1905 after a long dispute over the claim of Norway to appoint and control its own consuls. The Swiss Confederation, the members of which enjoyed almost complete sovereignty, survived various vicissitudes for some centuries until the suppression of a revolt by some units led to the conversion of the Staatenbund into the Bundesstaat in 1848. The recent change in the status of Iceland is another example of disintegration, as contrasted with consolidation in the case of Switzerland.

It is to be observed on the one hand that these instances of loose federations are of two units only, and on the other that Switzerland, which has succeeded in binding 22 units into a close Federation, has a population of only 4¼ million—a consideration which may be of significance when a parallel is drawn between the Swiss case and that of India.

Appendix to No. 256

EXTRACTS FROM CHAPTER III OF VOLUME I OF THE REPORT OF THE INDIAN FRANCHISE COMMITTEE, 1932[3]

* * * * * *

40. We have considered whether, if the immediate adoption of adult franchise is regarded as impracticable certain modifications of it might not be recommended. There are five possible courses open to us:—

A.—Adult suffrage by indirect voting.
B.—Adult suffrage within certain age limits.
C.—Adult suffrage in large or capital cities.
C.—Household suffrage.
E.—Indirect election through local bodies.

THE VILLAGE AS A UNIT

41. Before considering these proposals in detail, there is a preliminary issue to which we wish to refer. It has often been said, and indeed it is a fact, that the village is the most characteristic socio-political unit in India, and that 90 per cent. of the population of India live in villages. Why not therefore make the village the basis of the electoral system, by enabling it to place electors on the electoral roll in proportion to its numbers? Such a system, attractive as it appears at first sight, is, however, quite impracticable. The villages of modern India have in the vast majority of cases no self-governing institutions of their own. The revival of the panchayat system is of quite modern origin, and the

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total number of panchayats in British India to-day is only 11,770 out of a total of some 458,000 villages. There is, therefore, in the overwhelming majority of cases no representative body which could be made the medium for placing electors on the electoral roll. Moreover, it is the general testimony of officials and others in close touch with villages that the effect of making the village itself an electoral unit would be to intensify caste factions and local feuds, and to create not harmony but discord. The villages can be enfranchised only by giving them the direct vote as individuals, or by forming them into small groups for the election of secondary electors. We discuss both these alternatives in the later pages of this report.

A.—Adult Suffrage by Indirect Voting.

42. It has been proposed that, if universal direct adult suffrage be ruled out, the whole population might be grouped in groups of 20, or 50, or 100, or other appropriate number, each primary group to elect from among its own number one or more secondary electors, who should form the constituencies for returning members to the legislatures in the ordinary way. This is the system which is in operation in Egypt, Turkey, Iraq and Syria to-day, and the evidence which we have obtained indicates that it can be and is made to work in these countries. The advantages claimed for the system are four-fold. It gives to every adult an equal vote at the primary stage. It makes things easy for the primary voter, because he is only asked to choose an elector from among neighbours whom he knows, instead of voting for a distant candidate, and on issues which it may be difficult for him to understand. It is simple to administer, because each village is the polling unit in the primary election and keeps its own register, and voters and officials have not to travel long distances to the polling stations. It probably secures a more intelligent and experienced secondary electorate to discharge the responsible task of choosing the member of the legislature.

ARGUMENTS AGAINST THE INDIRECT SYSTEM

43. On the other hand, the disadvantages of the system are in our view much more serious. In the first place, it involves the abolition of the direct system of voting, to which India has become accustomed during the last twelve years through four elections held for the provincial councils, the Legislative Assembly and the Council of State, and also through numerous elections for district and local boards and municipalities. Some 7 million electors who have hitherto been entitled to exercise the direct vote at elections to legislative bodies would thus lose it, and would obtain only an indirect vote in its place. The overwhelming mass of evidence we have received has been to the effect that

[3] Cmd. 4086.

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the strongest opposition would be aroused by any proposal to abolish the direct vote.

44. In the second place, the indirect system is bound to lead to one of two results, neither of them desirable. Either the primary election would be a non-political election, in the sense that the group electors would simply choose a representative man or woman to exercise the responsibility of voting on their behalf—in which case it would provide very little political education for the people. Or it would become a political election, in which case the candidates and the parties would endeavour to secure the return of secondary electors pledged to themselves. The indirect system would then become tantamount to adult suffrage, with the expense and burden of a double election added thereto.

45. In the third place, under the indirect system the primary voters have no means of judging whether the secondary elector carries out their wishes or not. A member of the legislature speaks and votes in public, and his constituents are therefore able to follow his conduct and to make representations to him about it. The secondary voter, however, casts his ballot in secret, and the primary electors can have no means of knowing how he has voted. In so far as the primary voters wish to secure the representation of certain political views, the indirect system cannot be said to be representative.

46. In the fourth place, the indirect system undoubtedly lends itself to manipulation and jerrymandering. The party in power, or local authorities, can manipulate the elections so as to secure the return of their own friends as secondary electors. Local magnates and other forces can bring strong pressure to bear at the primary stage when voting is public or informal. The fact that the number of secondary electors is small makes corruption at the election of members to the legislature far easier than under a system of direct election with a large electorate.

47. Moreover, certain provincial Governments and committees which were at one time inclined to support the indirect system have now abandoned it. For all these reasons we have unanimously decided to reject the universal indirect system.

* * * * * *

E.—Indirect Election through Local Bodies.

51. We have also considered another form of indirect voting under which the legislatures would be elected by constituencies formed of the members of local boards, municipalities, and other elected bodies. This system has been recommended on the ground that it would secure the return to the legislatures of more experienced members than direct election by constituencies comprising a large proportion of illiterates. There are, however, two strong arguments

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against it. The first is that it was the system in operation during the period of the Minto-Morley Reforms between 1910 and 1920, and from the evidence before us it is clear that the opposition to its reintroduction is very strong and almost universal. It is alleged that it led to a large amount of intrigue and was very uncertain in its operation. In the second place it is open to the powerful constitutional objection that, under a system of responsible government, it must lead either to the local elections being dominated by provincial or federal issues, with consequent loss to good local government, or to the legislatures being elected by people who have been returned on purely local issues, while the mass of the electorate would receive no education and exercise no real influence over provincial or federal policy. We have therefore decided to reject the system.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 42

IMMEDIATE TRIVANDRUM, *10 February 1945, 2.50 pm*
SECRET *Received: 10 February, 2 pm*

No. 63-S.C. Superintendent series. Your 2749[1] and 2750[2] of February 3rd. I am on tour till 17th. I propose to see Jinnah and, if he reacts favourably, him and Desai shortly after my return and endeavour to clear up points raised by His Majesty's Government in both telegrams and in 2096 January 26th.[3]

2. (? I would) inform His Majesty's Government of prospects of success after seeing any others I thought necessary. At this stage timing would be most important and delay would decrease chances of success. The intention is that I should in any case come home for discussion with His Majesty's Government in second half of March. I require to know whether His Majesty's Government are prepared to discuss Indian position with me and take decision early March instead, if as a result of discussion with Jinnah and Desai acceptable solution seems to arise.

[1] See No. 242, note 7. [2] See No. 242, note 2. [3] See No. 231, note 5.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 43

IMMEDIATE TRIVANDRUM, *10 February 1945, 2.50 pm*
SECRET *Received: 10 February, 12.15 pm*

64-S.C. Your private telegram No. 86[1] dated February 3rd. I have consulted Wylie. Princes are not directly concerned as no repeat no change in British Indian Constitution is contemplated and War Department and fighting services would remain under British Commander-in-Chief. Princes' Chamber is temporarily out of action, but even if it were working I should not be in favour of consulting the Princes, who are unable to keep matter of this kind confidential. It would, of course, be wise and proper to inform the Princes before any decision by His Majesty's Government is announced.

[1] No. 250.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET VICEROY'S CAMP, INDIA, *11 February 1945*

No. 6.

Many thanks for your letter of 1st February.[1] I agree that the War Cabinet were over-cautious about the Desai proposal. The essence of the proposal is to replace the present personnel of the Executive Council, without any change in the Constitution or in the accepted procedure, by persons with political backing and therefore able to command support in the Legislature and outside it. As a corollary Ministerial Governments would have to be re-established in the Section 93 Provinces on a coalition basis.

I accept the main principle of this proposal on the grounds:—

(*a*) that, in the present mood of the leaders of the Congress and the Muslim League, no progress towards a constitutional settlement by conference or discussion stands any chance of success. If leading politicians could be brought to work in co-operation on India's pressing administrative problems, a more accommodating spirit might gradually develop.

(*b*) In spite of all the good work it has done, it is impossible to build politically on the present Executive Council. Its Members have no public backing, and though it can carry on for some time yet, no political change of any importance will develop naturally out of it.

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2. The method of selecting the Members of a "political" Executive Council is obviously very important, but perhaps less so than the War Cabinet suppose. The main change of principle is the introduction into the Executive Council of men with political backing. Once this is done, the method by which they entered Council may not make much difference to their actions. I am clear that the Governor-General must make his own selections and submit them to the Secretary of State for the King's approval as at present. The difference would be that his selections would be made in consultation with the prominent party leaders instead of entirely on his own personal initiative. But the Governor-General should be free to reject any names suggested to him and to put forward names of his own. He should also distribute portfolios to Members in his discretion as at present, though he would doubtless consult the leaders about the allocation of work.

3. In any further discussion with Desai and Jinnah it will obviously be essential to ascertain the spirit in which they would make their recommendations for the selection of Members. We should not be dealing with the official Congress, i.e., the Working Committee, but with the Leader of the Congress Party in the Legislature who represents, in my view, moderate Congress opinion which is tired of opposition to the present Government of India and of the stalemate, and is prepared to co-operate. Desai would I think propose moderate men and not any members of the Working Committee or persons who are in detention or irreconcilables. I have no idea what Jinnah's attitude would be. He would be hard put to it to find Muslims of quality and might have to fall back on one or two of the present Muslim Members of Council. I think Desai and Jinnah might agree to keep Dalal as Development Member, and Ambedkar would probably be accepted to represent the Depressed Classes. The Sikhs are incalculable, they might want Jogendra Singh to stay on for the present or they might put forward some much wilder representative. But all this is mainly guess-work, as I do not even know yet what Jinnah's real views are nor the real extent of Desai's backing on the Hindu side.

4. I doubt if we can do very much for the minorities other than the Depressed Classes and the Sikhs. The Commander-in-Chief would represent the soldiers' interests powerfully. There would be no possibility of obtaining other direct representation for soldiers who have no political organisation, nor is it in any way desirable that they should. I believe the non-Congress Hindus and non-League Muslims might be provided for by agreement through the party leaders. For example, the Mahasabha overlaps the Congress, and it should not be difficult to satisfy the general run of Mahasabha members that their interests have not been overlooked. I think this should be done through the party leaders and not by attempts at separate negotiations with various minority

[1] No. 247.

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groups. The Mahasabha under its present control has a narrow communal outlook, and is as anti-British as the Congress.

5. In the Section 93 Provinces I assume that the selection of Ministers would be made after negotiation between the principal political leaders. The Governors would doubtless have to consult their prospective Prime Ministers, and would have to satisfy themselves that any party agreement had been reasonably honoured. They would not have to take part in the negotiations. The changes in the Provinces might take place some time after the formation of the new Government at the Centre and not necessarily simultaneously in all Provinces.

6. If a suitable Government can be formed at the Centre, the next question would be the conduct of Members in office and especially their attitude towards the war effort. This falls under two heads—their personal attitude in Council and their susceptibility to outside influence. Provided satisfactory selections had been made I should be apprehensive of the latter more than the former. I think it would be essential to obtain an undertaking that the new Government would issue a public declaration in support of the war effort immediately on assuming office. Our real safeguard against any wild or subversive proposals would be the balance between Hindus and Muslims. Jinnah would not allow anything savouring of Hindu domination at the Centre.

7. I should be reasonably hopeful of getting under Desai's proposal a body of moderate men who really meant to co-operate, and if they could settle down and establish themselves, they might tide India over the next three or four difficult years or more, and enable the constitutional problem to be discussed in more favourable conditions. The stability of the Government would depend very largely on its receiving really sympathetic treatment and help from His Majesty's Government and thus being able to show results.

8. I propose to see Jinnah alone and then, if he reacts favourably, with Desai, shortly after I return to Delhi on 17th February. You will have had my telegram about this,[2] and I need not say much more at present, except that if prospects seem good I think I should come home in the first instead of in the second half of March. I have kept Council informed of Desai's approach and I think my colleagues may be less shocked than they would have been a year or two ago by a change at the Centre. They all hold office on the understanding that such a change may be made at any time, and some of them, e.g., Khare, are fond of stating in public that they are only care-takers for a more popular government. I have undertaken to keep Council informed of any definite forward move and shall do so. I see you suggest in paragraph 2 of your letter that an Executive Council of ten would be too small. I did not contemplate a reduction to ten. The number was given merely to illustrate the working of the proportion I understand Desai to have in mind. But I may perhaps start with a rather smaller

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Council, if these proposals go through. I shall certainly try to avoid a larger one. In your paragraph 3, you are wrong in thinking that Desai told me about Birla. This information was obtained through Menon, the Indian official mentioned in one of my telegrams[3] who met Desai on an occasion at which Birla was present. Birla has also made various indirect approaches which seem to confirm that he is definitely interested.

9. The Sapru Committee hope, according to Santhanam, their Secretary, to complete their report by the end of February, though I gather it is more likely that it will not appear until well on into March. The Committee will probably agree that in the Central Executive, Muslims and Caste Hindus should have 40% representation each, with 20% reserved for other minorities. They have not yet made up their minds about the composition of the Central Legislature and the Secretary tried to get some guidance from Menon about this. The Hindus swear by the Communal Award[4] which they are not anxious to upset, and the Secretary may have hoped that Menon would tell him that the present Government favoured no change. Menon said that the Communal Award had been accepted by His Majesty's Government in the absence of any agreement between the communities concerned, and it was for the Committee to consider whether they could suggest any change which would be generally acceptable. I doubt if the Committee will add very much to our knowledge of the problem or make any original suggestions for its solution.

[Para. 10, on proposed Commonwealth Scientific Conferences, omitted.]

11. The Fifth All-India Food Conference was held from 29th January to 2nd February. Srivastava's main object was to educate the more backward Provinces on procurement methods. The discussions covered a very wide field, and though the resolutions passed were, as usual, rather colourless, I think Srivastava was satisfied that the conference did good. Provinces whose food administration is still, for one reason or another, backward, tend to be obstructive and say that they cannot adopt with any hope of success methods that have been successfully adopted, e.g., in Madras, Bombay, Travancore and Cochin. But having said their say, representatives usually go away with new ideas and there is no doubt that during the past two years or so food administration has been greatly improved everywhere. You mention in paragraph 10[5] of your

[2] No. 257. [3] No. 235, para. 4.

[4] In a statement dated 4 August 1932, His Majesty's Government announced that, in the absence of any agreement between the Indian communities, it had itself decided how seats in the Provincial Legislatures were to be allocated among the communities under the proposed new Indian Constitution then under discussion by the Round Table Conference (Cmd 4147). This allocation, known as the Communal Award, was, with some modification, to form the basis of the distribution of seats in Provincial Legislatures, and the projected Federal Legislature, laid down by the Government of India Act 1935.

[5] Omitted from No. 247.

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letter Somerset Butler's Report on grain monopoly schemes. The high prices for agricultural produce have largely eliminated debt in the surplus Provinces and there is no doubt that the small farmer who owns his own land is better off than he has been for years. But the whole question of agricultural indebtedness is provincial and it will be most difficult to secure any uniform action to prevent a recurrence of debt.

12. Sultan Ahmed does not seem to have been able to do very much about the adjournment motion on South Africa. I judge from a report sent to me on tour that when it came to the point he felt he could not approach the Opposition to get the motion withdrawn, and we must therefore do the best we can to prevent an intemperate debate. There is a certain amount of agitation for the withdrawal of the High Commissioner, and the Opposition members will make a good deal of this. Deshmukh was due to sail for South Africa on 10th February, and I hope he has already gone.

13. I have heard from Dalal about the problem of the future relations between British and Indian industrial interests. He has promised to see me again as soon as the technical examination of the problem is complete. I think he quite realises the extreme difficulty of any active discretion [? discrimination] against the British and of amending the "safeguard" sections of the Government of India Act at present.

[Para. 14, on the report on the leakages in the Indian Agency-General in Washington; para. 15, on advice on the future of nursing services for the Bhore Committee; and para. 16, on the appointment of a new Port Director for Calcutta, omitted.]

17. I am considering your telegram[6] about Wylie's successor. I am sorry Miéville has refused to consider an offer. Laithwaite has the knowledge and ability required but I doubt if it would be wise to appoint a man who was so recently Private Secretary to the Viceroy. It is difficult to know what the Princes really think, but they seem to believe that they have been unsympathetically treated during the last few years and the new man should if possible, be someone who has not been closely concerned in the recent past with our policy towards the States. The Princes' Special Committee has just published a statement as a result of its meeting at Bombay. Beyond saying that they are anxious to co-operate in the advancement of India in every way, but object to the unilateral modification of treaties, the statement does not amount to much. But I gather that some communication will be made to me and this may be more informative. My private information is that Bhopal and his colleagues would be very glad to restore the *status quo* but do not quite know how to begin. Thank you for your letter of 31st January[7] about the approach

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to the bigger Princes. I am taking advice on this and will let you have my views before long.

[Para. 18, acknowledging a letter from Mr Amery on the Far Eastern Committee; and para. 19, on the dispute between Madras and Orissa over the Machkund Hydro-Electric Project, omitted.]

20. We are still on our Southern tour. My last letter was posted from Mysore, and this one has been written in Travancore. I have been favourably impressed by what I have seen in both States.

[6] 97 of 7 February which replied to a letter of 11 January in which Lord Wavell said that Sir E. Miéville was the only person he could think of who would be suitable as Political Adviser. In his tel. Mr Amery was unable to offer any further suggestions for the appointment except Sir R. R. Maconachie and Sir G. Laithwaite but he did not know whether either of these would contemplate returning to India. L/PO/8/102: ff 16–17, 32–3.

[7] No. 244.

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Mr Attlee to Mr Amery

L/PO/6/108b: f 112

PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.1,
12 February 1945

My dear Leo,
I have seen the Viceroy's telegram of the 10th February, No. 53–S.C.[1] I should have thought that the right thing was for the Viceroy to report back to the War Cabinet after he has seen Desai and Jinnah and let us consider the position in the light of what has happened.

2. As for the date of his coming home, I shall, of course, have to consult the Prime Minister. I think that we ought to have got our own minds clear before the Viceroy's arrival. I have seen the papers[2] you have circulated on the suggestions by the Lord Chancellor and the Minister of Aircraft Production. But there are still certain other suggestions on which we await advice from your Office. Could this be expedited? I should like, if possible, to have a meeting of the Committee to talk about India fairly early this week, and we might then consider what suggestion to put to the Prime Minister on Wavell's enquiry.

Yours ever,
CLEM

[1] No. 257; the number should read 63–S.C.

[2] Nos. 246 and 256.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/521: f 41

IMMEDIATE INDIA OFFICE, *13 February 1945, 12.45 pm*

3442. Superintendent Series. Your 63-S.C.[1] Have discussed with Deputy Prime Minister. We cannot alter proposed date for your visit without consulting Prime Minister. We think that he may feel difficulty at this moment in agreeing to advance it as there will be heavy after-math of work from the Three-Power meeting. If however results of your conversations with Desai and Jinnah are encouraging I will be ready to urge Prime Minister to agree to your coming home sooner.

2. It would I think be preferable for you to report progress after you have seen Desai and Jinnah and before you see anyone else. Whom have you in mind?

[1] No. 257.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 40

IMPORTANT VICEROY'S CAMP, ERNAKULAM, *15 February 1945, 4.30 pm*
Received: 15 February, 3.30 pm

80-S.C. Superintendent series. Your 3442[1] of February 13th. I thought that it might be wise to see Sapru before I came home and (? perhaps) (? one or two) others e.g. a Sikh leader or Rajagopalachari. I will report progress before seeing anyone other than Desai and Jinnah. Timing is most important and before I fix date to see Desai and Jinnah I wish to know the earliest date Cabinet will discuss problem with me at home.

[1] No. 261.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *15 February 1945*
Received: 21 February

I did not think that it would be really helpful to telegraph to Winston in the Crimea the hypothetical question whether you might come back earlier if the Jinnah conversations turned out really encouraging. I am sure I could make a better case with him if they have in fact done so and I could urge the importance of striking while the iron is hot.

2. You will have received my telegrams[1] on the suggested setting up of a Standing Committee of the Legislature on the External Affairs Department. I felt bound to put to you the official misgivings, especially as the matter does affect the Foreign Office, though personally I do not consider that Foreign Office objection would necessarily be conclusive. I am inclined to think that such Committee could be usefully employed discussing just those aspects of the peace settlement and the post-war structure that will affect India and secure wider and more realistic consideration of the kind of matters that are now about to be discussed by the Chatham House Conference. To my mind it is of real importance that whoever represents India at the Peace Conference should be able, not only to say that he is in no sense being instructed by His Majesty's Government in this country but also that his views do embody the results of full discussion in India. The proposal does not, so far as I understand it, alter the constitutional position under which the question whether you should discuss External Affairs with your Council is one which you as the Member in charge are free to decide. I can hardly imagine your not at some time discussing the general nature of India's interests in the terms of peace with your Council.

3. In that connection H. V. Hodson, when working for Linlithgow on constitutional problems, wrote a memorandum[2] in which he argued that India was not really being given the scope in these matters which was actually implied in the Constitution of 1919, but was in fact getting the worst of both worlds, viz., of the 1919 and 1935 constitutional schemes. No doubt there is a copy of the paper at Delhi and it might be worth your while looking at it. I am all for your extending the constitutional powers of India within the existing framework, and even of acting in these matters on your own judgment without necessarily always bringing me into the picture. I wonder what would be the

[1] 3430 and 3431 of 13 February. L/P&S/12/2823 and L/P&J/7/7391.
[2] L/P&J/8/510.

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effect if, inverting my own policy for an interim solution, you were to declare India independent under yourself!

4. I sent you last week a copy of a little book which Penderel Moon[3] has just brought out and which I have just had time to glance through. I was interested to find that he has come to the same conclusion as I have, namely, that you cannot get Indians to sit down to an objective study of their own constitutional problem so long as they are obsessed with the idea of their subordination to this country. He and I are in fact in substantial agreement with Gandhi that the first thing is for us to "quit India", providing it is clearly understood that by "us" is meant the direct interference of Whitehall and not the presence of Englishmen in the structure of India's Government.

[Para. 5, on Mr Amery's views of the future of the U.K. army; para. 6, on proposed Commonwealth Science Conferences; and para. 7, on the Secretary of State's Medical Adviser, omitted.]

8. I am afraid Winston's inveterate procrastination about Madras has really tied us up pretty badly, and, in desperation, I telegraphed to you the other day to see what you thought about the possibility of giving Hope a six months' extension in order to give me some chance of looking round. I am hoping every minute to hear from you that you have seen Hope and got the situation cleared up. At the same time, I am by no means sure that, even if you think prolongation reasonably safe, the Palace will feel the same, and in this matter it would be difficult to go against the King's views. The alternative would be to make some interim appointment from the Civil Service and to hope that in the next two or three weeks I may find someone suitable. There are two or three people in the Commons who would do tolerably well and might indeed rise to the occasion, and I could always, if necessary, tell Winston that he must take the chance of a by-election—especially if I picked someone from a really safe seat.

9. In paragraph 11 of your letter of the 23rd January[4] you asked me whether I could move again with regard to Bajpai. I confess I secured the six months' postponement simply in order to avoid being turned down flat and not with any very definite hope that the actual termination of the six months might give me a good opportunity for reopening matters. As you know, the leakage from Bajpai's office has not made my approach to that subject easier from the point of view of the Foreign Office. The best thing, perhaps, might be if you would bring that up before the Cabinet Committee when you come home or leave it until your new Council (if you can secure it) has shown results in working.

10. You mentioned in paragraph 12 of your letter of 27th December[5] your ideas for the reposting of various Secretaries to the Departments of the Government

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of India. I agree that if Food is a going concern and keeps on an even keel it may be waste to keep Hutchings there after the summer. But French's tribute to Hutchings' work and the universal confidence in him make me feel that if there is any risk of further trouble it might be desirable to keep him where he is. I realise that the appointment of a Secretary to the Governor-General (Public) has not been a heavy one in the past. But is it not probable that, if there are constitutional changes of the kind you have proposed, this appointment will become much more important? My own feeling is that it would be preferable not to disperse the functions of the appointment to Departments of the Government of India, but rather to combine it with the post of Reforms Commissioner. Even if the framing of a new Indian Constitution should in the end be largely left in the hands of members of the new Council, you will still need an independent adviser in the Reforms field, though possibly Menon himself would be needed to assist your Council. There is also the consideration that, as I have suggested separately,[6] a part of the functions of D.I.B. might best be placed under the Secretary to the Governor-General (Public). As regards what you said on this subject in paragraph 10 of your letter of the 23rd January, I quite realise that at present Defence, Commonwealth Relations and Posts and Air do not give the Members in charge a full-day's work, while Education, Health and Agriculture are certainly each of them subjects of the first importance from the point of view of the future. On the other hand, I confess I should have some misgivings, looking to the future, in splitting up the Defence Department. I have always thought that the right organisation of defence for India was, not the War Office organisation here, but the continental division between a *Kriegsministerium* and a *Generalstab*, i.e., between a non-operational War Office dealing with the raising and equipping of the forces, and a Commander-in-Chief who would in effect be the head of the whole operational and General Staff side of things. That would involve in due course the taking over by the Defence Department of a great many of the functions of the present War Department and should consequently also involve the present Defence Department in most of the planning for the structure of India's post-war army. From that point of view I should be sorry to see the Defence Department weakened or broken up. On the contrary, I am not sure, looking to the future, that you ought not to have three Defence Departments, one for each of the fighting services, but, on the other hand, only one Supreme Commander-in-Chief or War Lord, thus securing efficient separate administration, but *unified combined planning at the top*.[7] If that involved a further increase in the numbers of your Council I would see no objection in that. The

[3] *The Future of India* (London, Pilot Press, 1945). [4] No. 227.
[5] Para. omitted from No. 165. [6] See No. 240, note 8.
[7] [Note, presumably by Mr Amery, in original:] i.e. a combined staff for planning with separate service staffs under it for training, etc.

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British Cabinet in peacetime has habitually numbered 20 or more and a Cabinet of that size for a continent like India would not seriously alarm me.

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Mr Attlee to Mr Amery

L/PO/6/108b: f 102

SECRET GREAT GEORGE STREET, S.W.1, *16 February 1945*

My dear Leo,

I do not see why the timing of the Viceroy's visit here should affect his seeing Jinnah and Desai.[1] It rather looks as if Wavell wanted to come over and make us face a situation created by himself. He ought to understand that the timing of his visit must depend on the Prime Minister's convenience. I would suggest that you should tell him to get on with his meetings, but that the time of his coming must depend on events over here.[2]

Yours ever,
CLEM

[1] See No. 262. [2] Mr Turnbull noted on this letter that it must have crossed No. 265.

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Mr Amery to Mr Attlee

L/PO/6/108b: ff 102, 107

SECRET INDIA OFFICE, *16 February 1945*

My dear Clem,

I suggest that I might reply to the Viceroy's last telegram (No. 80–S.C.)[1] as in the draft enclosed. Perhaps you would then discuss with the Prime Minister the date for the Viceroy's visit. I think myself that as Easter is so early it would be best to fix it for about 13th March, and then leave it to Wavell to decide when he will invite Jinnah and Desai to come and see him.

Yours ever,
L. S. AMERY

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Enclosure to No. 265

DRAFT TELEGRAM FROM SECRETARY OF STATE TO VICEROY

IMMEDIATE
SECRET
Superintendent Series. Your telegram 80-S.C. of 15th February. I will ask Prime Minister to fix date for your visit when he gets back. I do not expect he will wish it to be much earlier than middle of March but will telegraph again when he has given decision.[2]

[1] No. 262.
[2] Mr Amery sent this draft tel. to Lord Wavell as No. 3991 of 20 February with the addition of a final sentence: 'You will realise that a good deal must depend on course of events here'. L/P&J/8/521: f 38.

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War Cabinet

India Committee. Paper I (45) 24

L/PO/6/108b: ff 91–100

VIEWS OF SIR ZAFRULLA KHAN AND SIR SULTAN AHMED ON THE INDIAN CONSTITUTIONAL PROBLEM

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *16 February 1945*

I circulate, for information, a note (Appendix I) in which Sir Zafrulla Khan gives his views on a possible means of solving the communal problem in the constitutional field.

Sir Zafrulla was a member of the Round Table Conferences and the Joint Select Committee and subsequently of the Viceroy's Executive Council. He is now a Judge of the Federal Court and has come here as leader of the Indian delegation to the Commonwealth Relations Conference convened by the Institute of International affairs. He has a very acute mind, is a Punjabi who represents the moderate Moslem point of view, but unfortunately has little personal following as he belongs to an unorthodox sect.

I also circulate (Appendix II) a summary of suggestions on the constitutional problem recently published in a personal capacity by Sir Sultan Ahmed, Member for Information and Broadcasting in the Viceroy's Council. Sir Sultan is also a lawyer by profession. He has acted as a High Court Judge and before appointment to the Executive Council had held various appointments under the Government of Bihar and Orissa. He is in politics a moderate liberal.

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The points of resemblance between the suggestions made by Sir Zafrulla Khan and Sir Sultan Ahmed are more numerous and striking than the differences. Neither advocates Pakistan. Both recommend a Federal Centre with strictly limited powers, residuary powers remaining with the units. They differ as to the units, Sir Sultan contemplating a re-drawing of boundaries and Sir Zafrulla preferring to use the existing provinces, leaving their boundaries unaltered for 25 years. Both stipulate, in varying degree, a minimum Moslem representation in the Federal Executive and the Federal Services. Sir Zafrulla claims a 50% share in the Executive; Sir Sultan is content with 40% (coupled with 40% Hindus, 10% Depressed Classes and 10% others). The latter, however, while content with a similar communal ratio in the Civil Services, demands 50% of the Defence Services; Sir Zafrulla thinks the Moslems would acquiesce in a 40% share of the Defence Services and one-third representation in the Civil Services. In one respect or other these communal claims would be contested by the Hindus, who would also be opposed to the conception of a weak centre.

Sir Zafrulla Khan makes no reference to the possibility of an interim reconstruction of the present Government of India. Sir Sultan Ahmed definitely recommends that the drafting of a new Indian Constitution should precede the setting up of a provisional Government.

L. S. A.

Appendix I to No. 266

NOTE BY SIR MOHAMMED ZAFRULLA KHAN

A SUGGESTED SOLUTION OF THE COMMUNAL PROBLEM IN INDIA

To whatever degree the validity of Muslim fears of Hindu domination in a free India may be open to question, there can be no question that such fears are deep rooted and have for some years past poisoned the relations between the two communities. No constitutional settlement is possible unless the majority community is prepared to meet these fears in a sincere and generous spirit. To engender in the Muslim mind even a provisional sense of security it is necessary for the majority community to declare unequivocally that the future constitution of India must be based upon the consent and support of Muslims freely expressed and voluntarily given. If the Muslims are convinced on this score it might be possible to persuade them to consider on their merits constitutional proposals which may be designed while retaining the unity of India to afford to the Muslims the fullest and freest opportunities of cultural and national development.

The Indian Provinces have already made such advance towards autonomy that nobody would to-day suggest a reversing of the process and the setting up of a unitary Government for the whole of India. The choice is between

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some sort of federation or confederation on the one hand, and the splitting-up of India into Muslim and Hindu blocks on the other. The crux of the problem is to discover some form or shape for a central Government which would be acceptable to the bulk of the Muslims. For this purpose it would be inevitable to extend the scope of provincial autonomy to the utmost practicable limit even at the risk of leaving the centre more limited, weaker and with less adequate powers than would otherwise be desirable. This no doubt is being progressively realised.

The experience of the working of federal constitutions in other countries has been that a federal centre always tends to draw power unto itself with the passage of time, more particularly in periods of stress and emergency. If, therefore, for the sake of ensuring Muslim support for a federal India it becomes necessary to start with a centre possessing only limited powers, it would be worth while entering upon the experiment in the hope that once Muslim fears were set at rest and a spirit of mutual trust and co-operation had been engendered, the units might of their own accord desire to get closer together and work in greater accord and harmony, even in spheres which the letter of the constitution had left in the complete control and discretion of the provinces.

It is suggested that for the purpose of the future federation or union of India, India may be divided into twenty units, twelve being British Indian units and eight States units. The British Indian units would consist of the eleven Governors' provinces as at present constituted and Baluchistan, which, for the purposes of the federation would rank as a British Indian unit, whatever may be the shape of its provincial constitution. The States would be asked, in case they desire to come into the federation, to form themselves into eight units for that purpose.

The field allotted to the federation for the exercise of its executive and legislative authority, must be confined to the subjects of defence, external affairs, sea customs, currency and exchange.

Certain other subjects like civil aviation, railways, posts, telegraphs and telephones, etc., which are at present administered from the centre, would be allotted to the provinces for purposes of administration, but a certain amount of control and authority in respect of them would be reserved to the centre to secure uniformity in respect of standards, etc., and to safeguard against discrimination. All other subjects would be purely provincial. Residuary powers would also be vested in the provinces.

The subjects with which the federal legislature would have to deal would not require a great deal of legislation. The centre should, therefore, have a purely federal single chamber legislature, small, compact and business-like. To reassure the Muslims against any fear of domination at the centre by the majority community, it would be essential to give each unit equal representation in the federal legislature. It is suggested that each unit should be entitled to

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send to the federal legislature five representatives which would limit the total number of members of the federal legislature to 100. If this is considered too small, each unit may be given the right to send seven representatives which would raise the strength of the federal legislature to 140.

These representatives should in the case of British Indian units, be elected by the provincial legislature (by the Shahi Jirga or other corresponding body in the case of Baluchistan). Some machinery would have to be devised in the case of the States for selecting their representatives in the federal legislature. The States units would also have to agree to secure a certain proportion of Muslims among their representatives.

This device would not only serve to emphasize the federal character of the legislature, but would secure for Muslims a very substantial share of representation without recourse being had to any artificial schemes of weightage, etc.

Even when so constituted, certain restrictions would have to be imposed upon the powers of the legislature. In the first place there should be no power either in the executive or in the legislature to alter the boundaries of the British Indian units for a certain specified period—say 25 years. Thereafter re-arrangement of boundaries between Provinces may be carried out with the agreement of all interests likely to be affected thereby. It is of the utmost importance that the question of re-arrangement of boundaries between provinces should be left severely alone till the new constitution has had time to get into smooth working order. If this question is embarked upon at this stage, it will give rise to difficulties and conflicts which it may be found impossible to resolve.

It should also not be open to the legislature to carry through any amendment of the constitution without the consent of a majority of the representatives of each unit.

If it is desired to make legislation on any particular matter subject to the consent of a majority of the representatives of a certain number of State units or of any particular group of British Indian units, provision could be made in the Constitution to that effect. Over the rest of the field, the legislature could operate in the ordinary way by a bare majority.

Safeguards for the minorities with regard to religion (including the free profession, practice, preaching and change of religion), culture, education, etc., should be so framed as to be capable of judicial determination so that any breach or contravention of them may be rectified by judicial action. This would make the Supreme Court of the federation the ultimate guardian of the minorities and indeed even of the majority in respect of these matters.

The Muslims claim that they form a distinct nation and if they agree to unite with the rest of India, to set up a federal centre for the whole of India, they must have a 50% share in all federal services. It is apprehended, however, that if the shape of the constitution is acceptable to the Muslims and is such as to reassure them against a domination of the majority community, they might

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be willing to abate a portion of their claim in respect of the services. Their chief apprehension relates to the Defence Services. They are extremely anxious that nothing should be done in the new order of things which should place them in a position of inferiority so far as defence arrangements are concerned. Nevertheless, it might perhaps be possible to persuade them to accept a 40% share in the defence services provided that this was assured to them in all arms and sections, technical as well as non-technical. A 33⅓% share in the remaining federal services may be regarded by them as not too inadequate.

There are two spheres, however, where a claim to a 50% share must be accepted if any settlement is to be achieved. The Federal Ministry must be constituted on the basis of 50% Muslims and 50% non-Muslims. This is not really so big a concession as it might at first sight appear. In effect it would probably mean no more than the salary of two extra Muslim Ministers, but as a gesture of goodwill and a means of creating confidence and providing reassurance, it would be invaluable.

The head of the Federation should be alternately a Muslim and a non-Muslim.

The pivotal safeguard would be the composition of the Supreme Court in as much as the Court would be the ultimate guardian of the Constitution and of the safeguards provided for the minorities. The number of Muslim Judges of the Supreme Court should at no time be less than one half of the total strength of the Court. The Chief Justice should be alternately a Muslim and a non-Muslim. Muslim Judges should be appointed on the recommendation of the Chief Justice when he is a Muslim and on the recommendation of the senior Muslim Judge when the Chief Justice is a non-Muslim.

No attempt has here been made to deal with the Constitution of the Provinces as the main controversy between the communities relates to the centre. So far as the Provinces are concerned, the broad principle must be accepted that all special provisions designed to safeguard minorities and special interests must be framed on a reciprocal basis, that is to say, the minorities in Muslim provinces should be placed, so far as is practicable, in the same position as is assigned to the Muslims in non-Muslim provinces.

Appendix II to No. 266

The series of published pamphlets issued by the Indian Institute of International Affairs for the purposes of the current Commonwealth Relations Conference at Chatham House includes one by Sir Syed Sultan Ahmed, Member of the Governor-General's Executive Council for Information and Broadcasting. Although entitled *A Treaty between India and the United Kingdom* it deals only briefly and in general terms with the nature of such a treaty. The author discusses India's problems of defence and of relations with foreign countries and

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the countries of the British Commonwealth, as well as the internal political problems, and contends that without British initiative the Indian problem cannot be solved. The following is a summary of his suggestions on the constitutional issue with which the pamphlet concludes.

Suggested outlines of the future Constitution.

Sir Sultan Ahmed rules out the unitary form of government proposed by Congress as not deserving serious consideration. He also rules out the division of India favoured by the extreme advocates of Pakistan. He discusses the Pakistan proposals at length and concludes—"If the North West and North East Pakistans are completely independent sovereign states, with no constitutional bond with the rest of India, they must fail as a practical proposition inasmuch as they will have no military security or economic stability, and also because they would not secure peace and justice to the Muslims in the rest of India". But he asserts that, whatever the judgment on Pakistan, Mr Jinnah "has completely exploded the Congress claim of representing the whole of India and has shown that, by its own actions, the Congress has completely forfeited the confidence of the Muslims and of the other minorities of India". As an alternative to Pakistan he offers the following scheme, not as being perfect or complete, but as "practical" and "not unreasonable".

The scheme envisages a single Union of India, on a federal basis.

It will be composed of several units, which will be "autonomous and sovereign, with full freedom in all internal affairs". The frontiers of the units may be re-drawn, where necessary, altering the present Provincial boundaries; the Provinces in the North West and North East will form two such units. The external freedom of the units will be subject only to the powers transferred to the Union by common agreement between the units.

Powers of the Centre: Defence, Foreign relations, Currency, Customs, Broadcasting, Airways, Railways, Shipping, Posts and Telegraphs. Residuary powers to be vested in the Provinces.

The Federal Assembly: To be composed in the proportion of 40% Muslims, 40% Hindus, 10% Depressed Classes and 10% the rest. This would avert the danger of a permanent Hindu majority.

The Executive: To be responsible to the Legislature and reflecting the same communal ratio. The Prime Minister to be alternately a Muslim and a non-Muslim. The Defence Minister to be a Muslim if the Commander-in-Chief is a non-Muslim, and vice versa. The convention of collective responsibility to apply.

The Civil Services: The same communal ratio as far as possible and subject to efficiency.

The Fighting Services: Muslims and non-Muslims, each 50%.

Safeguards for minorities: To be embodied in the constitution and to comprise both (*a*) religious, cultural and social, and (*b*) political and administrative

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safeguards, the enforcement of which would be upheld by the ordinary Courts of law.

On the problem of representation at the Centre, Sir Sultan Ahmed discusses sympathetically an alternative plan, viz., that to secure equality an absolute 51% majority should be given alternately to Hindus and Muslims. While admitting that this would rob other minor parties of any importance he urges that the plan would reduce friction and would be more than justified if it established agreement between the two major communities.

The Indian States: This side of the problem is briefly discussed. If only in the interests of common defence the States should be persuaded to accede to the Union of India. If they join they might be grouped into five[1] important blocs—(1) Kashmir and the Punjab States; (2) Kathiawar and Rajputana; (3) Central India and Eastern States; (4) Mysore and the Madras States; (5) Hyderabad. The States should be as autonomous and sovereign as any other units. "For the sake of uniformity and equality of dignity they should have as nearly as possible representative Governments like the rest of the Union".

The Constitution-making Body. The Cripps Declaration contemplated a body elected by the Lower Houses of the Provincial legislature[s], and this plan should be followed even though the Moslem League are opposed to it as they are to the Congress plan of a constituent assembly elected by adult suffrage. Sir Sultan Ahmed proposes the following method of election in order to reconcile the conflicting views:—Supposing 80 seats are provided for the Moslems and the Hindus; these 80 seats should be filled by 40 double constituencies, each constituency returning a Moslem and a Hindu member. Each constituency should be divided into 500 circles. In each circle the adult Moslems and Hindus satisfying a modest electoral qualification should elect separately a Moslem and a Hindu representative; the 1,000 persons so elected would form a joint electorate and elect one Moslem and one Hindu member. The Depressed Classes and others might follow a similar method. Ten per cent. or even five per cent. of the Lower Houses so constituted might form the Constitution-making body.

Course of action recommended to be taken by His Majesty's Government.

The drafting of the new Indian constitution must precede the setting up of a provisional government; in no other way can a provisional government which commands general confidence come into existence at all. Nor can even the outlines of a treaty between Great Britain and India be considered until it is known what form the new constitution is going to take or how the political forces will range themselves.

Two essential points must be secured; the *bona fides* of the British Government must be established beyond doubt; and Indians must be compelled to face their own problems and take the responsibility for solving them.

[1] [Note in original:] Sir M. Zafrulla proposes eight States units together with twelve British Indian units.

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His Majesty's Government should therefore make a fresh declaration, making it clear that the responsibility for framing the new Indian constitution is the exclusive responsibility of the people of India themselves, and that His Majesty's Government will transfer their powers in India to any new government which may emerge from that new constitution, subject to their being satisfied (1) that the new constitution is workable and has the general assent of Indians; (2) that the minorities are reasonably protected under the constitution, to which alone they must look for protection, since there will be no collateral guarantee from His Majesty's Government; (3) that the constitution contains nothing derogating from the guarantees given to the Indian States, and that the terms for adherence offered to the latter are just and reasonable; and (4) that adequate protection and compensation is available to servants of the Crown unwilling to serve under the new regime. If these reservations are satisfied, a date will be fixed for the transfer of all responsibilities, leaving ancillary matters—commercial and defence arrangements—to be settled by treaty with the new Indian Government at the choice of the latter.

Further, His Majesty's Government should initiate constitutional discussions and provide facilities for an exploratory examination of constitutional questions by a small body of persons to be selected by various parties and organisations. They would cover the whole constitutional field and should carry out their task even if one of the more important parties should refuse, at any rate at the outset, to co-operate. If this small body should reach a more or less agreed result, the draft constitution would presumably have to be submitted to a larger and more directly representative body; "but that is a long way in the future".

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/25

CONFIDENTIAL NEW DELHI, *17 February 1945, 10.40 pm*
Received: 18 February, 1 am

No. 345-P.V. Your telegram No. 2508[1] of 31st January. Resignation of Chancellor and of Standing Committee.

2. I have received letter[2] from Bhopal which without explanation or excuse requests me:—

(*a*) to convene Chamber of Princes session *as early as possible*;
(*b*) to direct Secretary to Chamber to take *immediate action* to hold bye-elections to fill vacancies caused by resignations.

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Letter closes with following quotation from King-Emperor's declaration at inauguration of Chamber:—

Begins. My Viceroy will take its counsel freely in matters relating to the territories of the Indian States generally and in matters that affect those territories jointly with British India or with the rest of my Empire. *Ends.*

and adds that "times are moving very fast and the Princes strongly feel that the need for such free consultations was never greater than at present".

3. I intend to reply that bye-elections are unnecessary and that it will suffice if Princes who resigned withdraw their resignations. This method denies Princes opportunity which they obviously want for displaying their solidarity *vide* papers forwarded to you with my Secretary's letter No. 1/F. (A.)-M./45, dated 2nd January.[3]

4. If Bhopal agrees I would convene session of Chamber but probably not till autumn.

5. In view of this development I do not propose to proceed with plan described in my telegrams No. 153-P and No. 154-P, dated 21st January.[4] I had already instructed all Residents—in letter, dated 20th January—to make it clear that allegation that I had banned draft resolution on "treaty rights" was false.

[1] No. 241. [2] No. 255. [3] No. 157 was sent to the India Office under this reference.
[4] Nos. 220 and 221.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/635: f 12

PRIVATE INDIA OFFICE, *17 February 1945, 1 am*

120. Reference paragraph 6 of your private letter of 23rd January.[1] I had already noted uneasiness of Governors over Congress activities. I think my colleagues would welcome a report on the situation and I should be grateful if you could telegraph officially an appreciation of Gandhi's new movement and the extent to which it is regarded as a serious menace to law and order.

[1] No. 227.

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Field Marshal Viscount Wavell to the Nawab of Bhopal

L/P&S/13/982: f 95

No. 681/2 *17 February 1945*

My dear Nawab Sahib,

I thank Your Highness for your letter of 9th February.[1] I am glad that the Princes who resigned their offices last December have decided that there is advantage in restoring the machinery of the Chamber of Princes. I think that this decision is wise. It seems to me however to be entirely unnecessary to hold bye-elections—which would involve the making of separate enquiries from those Princes who are members of the Standing Committee in their own right—and I suggest that much the easier course will be that the resignations should be withdrawn by all those who wish to do so, whereupon the Chamber machinery will be automatically restored.

With best regards,

Yours sincerely,
WAVELL

[1] No. 255.

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War Cabinet

India Committee. Paper I (45) 25

R/30/1/5: ff 79–85

India Policy

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *17 February 1945*

I think the Committee would wish to be informed of the comments and criticisms of some of my Advisers on the proposals set out in my memorandum (I. (45) 4),[1] as well as on the note by the Minister of Education (I. (45) 3 [5][2] Appendix, item 4), which to some extent raises the same issue. I have set these out below, together with such comments as I have felt it desirable to append to them.

I must, however, at the outset briefly remind the Committee of the object with which I have put forward my suggestions as an alternative to the policy to which we are at present committed. Under that policy we are pledged to hand over India to whatever constitution, or constitutions, may emerge from

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a Constituent Assembly convened after the war, subject to a treaty, or treaties, to be settled with that Assembly—or presumably with its several portions if it should agree to break up.

The prospect is not promising. The atmosphere in which the Constituent Assembly will meet—if it does meet—is likely to be one of grave unrest and bitterness. The discussions will be dominated by the extreme nationalist elements and any constitution which may emerge is not unlikely to begin by an aggressive affirmation of India's severance from the Commonwealth. If any agreement is arrived at for a single system of government for British India it is likely to be thoroughly inefficient for the purposes alike of reconstruction and of defence.

The main cause of the mischief, in my opinion, is to be found in two Indian obsessions. The first is the obsession with our system of so-called "responsible" government, which makes any effective Central Government intolerable to the Moslems. The second is the obsession about India's subordination, as India, to this country, which makes all objective study of the Indian problem impossible for Indians.

What I have suggested is that if only we can get rid of the obsession about India's subject status, Indians may well be content for the time being to work the existing Government of British India as an interim and provisional system, leaving the problem of India's future constitution to be dealt with at leisure and in a very different atmosphere. I also believe that, pending agreement on a permanent constitution, Indians will acquiesce in a European Viceroy with his existing reserve powers as the best guarantee for the protection of the minority interest. They will, no doubt, press for more complete Indianisation of the Executive, and for the inclusion in it of Party leaders. In course of time they may press for Indian Governors, some day even for an Indian Viceroy, though communal differences are likely to postpone this last demand for many a long year. In any case the government of a completely self-governing India which we have proclaimed as our goal would be reached by an evolutionary process and without raising at any one moment the issue of secession from the Commonwealth.

The first main comment is that the suggested announcement of our intention to treat India (as from the end of hostilities) as a "free and equal member of the Commonwealth" under her existing constitution pending agreement on a permanent form of government would be condemned by Indian politicians as a sham and a contradiction in terms. The politicians would point out that the Governor-General and Governors would still be appointed by His Majesty, presumably on the advice of Ministers here, and would under the existing constitution possess certain special powers, in the exercise of which they are now, and will continue to be, governed by general instructions issued by His

[1] No. 184. [2] No. 188.

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Majesty. To talk of India's representatives at a Peace Conference as taking part "on a full equality with any other nation" would be held to be equally dishonest. The declaration would, in fact, be denounced as a camouflaged attempt to perpetuate British control, and therefore fail in its desired effect.

I am inclined to agree that in the present mood of suspicion in India criticisms of this sort would be voiced, and I certainly agree with the suggestion of my Advisers that any declaration will have to be very carefully worded, making it clear in what respects India, in the proposed interim stage, would not have in fact attained to complete constitutional equality, even if in our day to day relations we undertook to treat the Government of India exactly as we treat the Dominions. At the same time I would not myself attach too great importance to the immediate psychological effect of our declaration of intention. What I do attach more importance to is the actual fact of the cessation of interference from outside, whether in the shape of Cabinet instructions or of parliamentary questions and debates, all based on the assumption that India is, in fact, governed by the Secretary of State. So, too, whether India is in fact an equal at a Peace Conference would very soon appear in the actual deliberations.

As regards the appointment of the Governor-General and Governors from here, that is an inevitable feature of an interim situation in the absence of constitutional provision for some other method of appointment, and no other method would be generally acceptable in India at present. In any case, a similar situation existed in the Dominions up till quite recently and was never regarded as a serious impairment of Dominion self-government. Ministers here, having much better facilities for knowing the men available, selected the man most likely to make a success of the office, and the Governor-General's duty, once appointed, was exclusively towards the interests of his Dominion and not to those of the United Kingdom. I see no reason why things should be different in the case of India. Any instructions inconsistent with this or involving reference to the Secretary of State could be altered or might simply be regarded as in desuetude—the history of Dominion evolution is full of examples of legal powers vested in the Government here which no one would have dreamt of suggesting could be used and which were only tidied away in 1931 by the Statute of Westminster.

No doubt, if in course of time no new permanent constitution emerged, there would probably be a demand within the existing constitution for the appointment of a new Governor-General being decided in India. My Advisers have raised this point and have suggested that Members of the Executive appointed by one Governor-General could not appropriately tender advice to His Majesty as regards his successor. I confess I can see no insuperable difficulty in advice being taken from an outgoing Governor-General—his views are, in fact, consulted even to-day—or even in his Council being associated with him in such advice.

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Another interesting point of view put forward in relation to the psychological aspect is that the Governor-General and Governors are at present invested with the moral authority derived from their relationship to His Majesty's Government and to Parliament and that this moral authority would be weakened by the termination of control. They would in consequence find it increasingly difficult to act contrary to the advice of the Indian politicians whom they had called to office. Behind their present moral authority, they have urged, lies the sanction afforded by the presence of British troops, which could not by hypothesis be under the control of an Indian Government.

I should myself have said that, in Indian eyes at any rate, it is precisely the relationship, or the suspected relationship, of the Governor-General to His Majesty's Government and to British interests which deprives them of moral authority in Indian eyes and makes them regarded as the instruments of Indian exploitation. My view, for what it is worth, is that it is as agents of an external Power and not merely as Englishmen that they are resented. Their being Englishmen may, indeed, help to give them the moral authority which comes of impartiality, once it is realised that their powers are exercised purely in the interests of India. No doubt they will, and ought, increasingly to follow the advice of their colleagues or Ministers, in so far as that advice is in the interests of India and might even in consequence conflict with those of the United Kingdom. It is for the protection of minorities and for the maintenance of internal peace that their reserve powers are most likely to continue to be exercised. How far in the last resort the authority of the Governor-General rests on the sanction afforded by British troops is an arguable point. I would rather say that it rested on general acquiescence in the existing system of government, an acquiescence which includes the loyal fulfilment of their duties by Indian troops, police and officials, as well as by British troops. Anyhow, this is a criticism of all proposals which involve Indian self-government, and I should have thought that it applied less to the interim arrangement I propose, which would at any rate carry on the momentum of an established order, than to any scheme that could emerge under the proposals to which we are at present pledged. I shall refer to the position with regard to British troops in dealing with the question of a treaty or treaties.

I now come to what some may regard as the most fundamental criticism from the more narrowly constitutional point of view. My Advisers feel that the result of adopting my proposals would be to leave the Viceroy in an anomalous and uncertain position, and responsible to no one in the exercise of his powers. His Majesty himself, they urge, cannot act constitutionally except on the advice of his Ministers. Consequently, unless The King is to be placed in relation to India in an anomalous position unknown to the British Constitution, his actions *vis-à-vis* the Governor-General must be those of His Majesty's Government in the United Kingdom which cannot cease to be responsible for

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them to Parliament. The same criticism has, of course, already been voiced in the Committee.

I would reply that the position would only be anomalous from the point of view of those who are so accustomed to our British system as not to be able to realise that there are other democratic systems in which the Executive, during its lifetime, is not "responsible" to anybody but itself. Neither the American President nor the Swiss Executive are responsible to the Legislature. The former, indeed, has far wider powers than the Governor-General, for he is responsible to no one over the whole field of administration. The Governor-General, on the other hand, is normally bound to follow the advice of a majority of his Council and has only a reserve power of overriding them if any measure is proposed whereby the safety, tranquillity or interests of British India are or may be in his judgment essentially affected. Even in the British system the Crown, within the narrow limits to which usage has confined it, is not responsible to anyone for the exercise of its powers. That was clearly established during my own time at the Dominions Office in the case both of Canada and of New South Wales. In the first case Lord Byng refused a dissolution, and in the second Sir Dudley de Chair dismissed a ministry. In the first instance Lord Byng rightly refused to consult me on the ground that his responsibility was not to me but to Canada. In the second place I told the Governor that he was not to ask my advice and that if he did I would refuse it. In a more recent instance Sir Patrick Duncan, as Governor-General of the Union of South Africa, refused a dissolution to General Hertzog on the issue of peace or war, again acting on his own personal responsibility and not consulting His Majesty's Government. The field of the Governor-General's authority in India in respect of his reserve power is a wider one, but I see no reason why the same principles should not apply. There is no question in either case of bringing in His Majesty himself.

It may be said, of course, that the American President and the Swiss Executive at any rate owe their origin to election, though that does not affect the fact that during their tenure of office they are "responsible" to no one except their own sense of responsibility for the national welfare. But surely that will still apply also to the Governor-General, so long as he is appointed on the advice of Ministers here who in the last resort owe their position to election, at any rate until such time as there is an Indian constitution in which every element in the constitution owes its origin, directly or indirectly, to some democratic process. There has, in fact, already been, as between India and this country, a continuous shift between the powers exercised in India and those exercised here. Quite apart from the creation of fully autonomous Provincial Governments, there has been at the Centre a steady widening by usage and convention of the powers enjoyed by the Central Executive and Legislature. In practice the Secretary of State must leave wide powers to the Government

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of India. In matters of commerce, of inter-Dominion relations, of international conferences on aviation, communications, labour, &c., the Secretary of State naturally leaves the matter in the hands of the Government of India, and it is only a certain further extension of this delegation that is envisaged, leaving to His Majesty's Government, at any rate for the time being, only the selection of the suitable personalities for the Governor-Generalship and for the Provincial Governorships. (As a matter of fact, Governorships other than those of the three Presidencies are already in practice decided by the Governor-General.) This process of shift from one authority to another has in India, as in the Dominions, developed to a very large extent by usage and tacitly, though there was one marked step when, in 1921, we announced that this country would not interfere in any Indian tariff arrangements on which the Government of India and the Legislature were agreed. The only difference in my suggestions is the last step, which in the case of the Dominions covered the period between the last war, before which they had no say in general foreign policy and in which they were involved without their consent, and the position which was recognised at the Imperial Conference of 1926 and legally confirmed by the Statute of Westminster.

The difficulties which may have to be confronted in regard to the Viceroy's dual position as Governor-General and as Crown Representative are, of course, inherent in any system under which British India attains self-government or, indeed, as long as any substantial body of States remained outside an All-India Federation. The affairs and interests of the States and of British India are so interlocked that separation of the two offices would create serious practical difficulties. These would, no doubt, be greater than in the case of South Africa, where no serious friction arose either in the twenty years while the two offices of constitutional Governor-General of the Union and of High Commissioner directly responsible to His Majesty's Government in the United Kingdom were combined, or since their separation in 1930. Even if they were not accentuated by a division of British India resulting from Pakistan or, indeed, by secession from the Commonwealth, the position might soon prove so difficult for the Governor-General that His Majesty's Government here would find itself compelled to appoint a separate Crown Representative. That is the prospect to which we are at present committed, one which gives little hope of the successful establishment of an All-India Federation. All I would claim for my proposals is that the Governor-General would be in a better position to hold the balance even for the time being, and that, in my opinion at least, the atmosphere would be more favourable for the working out of an All-India Constitution than it is likely to be under present conditions.

The main features of the Crown's relationship to the States are described in Paper I (45) 22[3] of the 1st February, Appendix II. For the adequate exercise

[3] No. 246.

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of his functions the Crown Representative must be able to count on both the necessary finance and, in emergency, the power to call on the service of the Armed Forces. Under the present Government of India Act (Section 145) the Government of India is required to place at the Crown Representative's disposal from the revenues of India such sums as he may need. It is unlikely that any British Indian Government would undertake this responsibility except in return for a measure of control which would be incompatible with our undertakings to the States. The cost of the Crown Representative's activities is approximately £1,100,000 a year. This would probably have to be found from the outset by His Majesty's Government. In the case of my proposals this would not apply automatically, but I think the retention of the present obligation would be open to criticism and it would be wiser to do from the outset what would, in any case, have to be done later. There are certain items within this total which it might be possible to recover under treaty arrangements with the Government of India from Indian revenues. I have in mind such items as the sum of £187,000 payable to Hyderabad in respect of Berar and sums totalling about £150,000 payable to descendants of former rulers whose territories were annexed by us.

The obligations which may require the use by the Crown Representative of armed forces paid for by British India are referred to in the Appendix II to Paper I (45) 22, while under the federal arrangements contemplated in the India Act, but not yet in force, there is provision (Section 286) requiring the Governor-General to place at the disposal of the Crown Representative any armed forces required by the latter. Under any form of self-government for British India this requirement would have to be provided for by treaty, and this would apply equally to my proposals.

It has been suggested that in the case of my proposals such a treaty or treaties would be criticised by Indian nationalism as framed by a Governor-General suspected to be still under the influence of Whitehall. I confess I do not see why this should be more the case than in respect of all those matters which are already settled by free and equal agreement between the Government of India and the Government of this country. After all, the present military agreement is not regarded here, in some quarters at any rate, as unduly favouring the United Kingdom. A new military agreement will be needed, in any case, after the war, for both the British Army and the Indian Army are likely to undergo very far-reaching reorganisation. Whether such an agreement is concluded before or after the date at which Whitehall control ceases will make no appreciable difference to the course of the negotiations which will be governed, on the one hand, by India's needs and, on the other, by the amount of assistance we can afford to give. If not concluded before, it would obviously be within the Governor-General's reserve power to maintain the *status quo* and honour existing obligations. Any treaties made under the provisional constitution

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would naturally be of short date, so as to allow of their reconsideration under any future scheme of government.

I have suggested that for the purpose of my proposals it would be appropriate to substitute for the present out-of-date Central Legislature the provisions of the 1935 Act in so far as they apply to British India. This would have the advantage of emphasising the provincial basis of representation and also of improving the relative position of the Moslems. It would, in any case, be a more representative and authoritative Legislature and, as such, would, no doubt, even under the existing Constitution with an independent Executive, enjoy greater influence.

My advisers have suggested considering the possibility of revising the Table of Seats in the First Schedule of the Act in order to recognise the increased importance of labour as well as the claims of those who have served in the Armed Forces. While this would, in itself, be desirable, I should be reluctant to introduce any legislative changes, other than those necessary to bring the proposed interim government into being, in order to emphasise the fact that it was an interim government and that the field was left open for Indians to make their own improvements themselves.

Legislation would be required to give effect to the proposals for terminating the statutory powers of control vested in His Majesty's Government as well as to enable elections to be held for a new Central Legislature. A provisional list of the sections of the 1935 Act which would have to be amended is given in an Appendix. Parliament would, of course, also be concerned with the drafts of such Orders in Council as may be necessary and with the issue of revised Instruments of Instruction. My Advisers have drawn special attention to the fact that a large part of the present Act deals with the Secretary of State's control in relation to the Indian Civil Service and other services appointed by him and to the far-reaching consequences both upon the European personnel now in these services, and upon future recruitment from this country, of the removal of the protection at present enjoyed by them. This is, of course, a situation which will arise under any form of complete self-government and for which provision is already being made in the terms of recruitment. The most I can claim is that the position of the services is likely to be more secure under the proposed interim scheme of self-government under the existing constitution than under any constitution which is likely to emerge from a Constituent Assembly. On the other hand my Advisers have suggested that the services might prefer the prospects of such delay in the establishment of self-government as Indian disagreements might involve to an earlier date at which, even under the Governor-General's reserved powers, Indianising tendencies might begin to operate, and that any such declaration as I have proposed might hasten resignations.

The suggested All-India Consultative Council is not, of course, directly

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connected with the proposals affecting British India and could be set up at any time independently of them. It would, however, help to emphasise the idea that the proposed provisional arrangements did envisage an ultimate All-India constitution. My Advisers have pointed out that to be really effective such a body would need to be invested with some executive powers or at least some definite share in the formulation of policy, and not be left with advisory powers only, though manifestly any powers which the Council claimed to exercise in relation to individual States would have to be derived by agreement from the individual Rulers. If adequately representative of enlightened opinion both in the States and in British India the Council might well contribute to the stability of the Central Government, and although concentrating on economic and social problems it would, if it were at liberty to consider and recommend constitutional measures, be able to make a valuable contribution to the orderly constitutional development of India. Incidentally, although this proposal for an All-India Council has no necessary connection with the main recommendation, it would tend to reassure the Princes who are certain to view the latter with alarm, and who have always made it a grievance that they are not associated with British India in the determination of economic and financial issues of All-India concern. As a further measure to relieve the Princes of some of their apprehensions as to their future treatment at the hand of a Crown Representative who, as Governor-General, might be increasingly swayed by British Indian political and economic influences, my Advisers have suggested that it might be possible to concede their long-standing claim to have certain issues subject to judicial resolution.

With reference to the Minister of Education's suggestion that Princes might be included in the Governor-General's Executive Council, my Advisers have pointed out that while there is nothing to prevent the Governor-General nominating a Prince, or an Indian States subject, to his Council, such an appointment would only be in a personal capacity. It may be doubted, too, whether such an appointment would be regarded by other Princes as in any sense effectively protecting the interests of the States as a whole.

With regard to the Minister of Education's note generally, my Advisers' comment is that it embodies essentially the same principle as that of my proposal in the sense that he suggests that any interim change should, without upsetting existing arrangements, make for the enhancement of India's status. But they feel that, in so far as his suggestions go less far in the direction of complete Dominion status, but seem to them to contemplate a status more akin to that of, say, Southern Rhodesia, they are less likely to be palatable to Indian opinion than the complete elimination of Whitehall control which I advocate.

L. S. A.

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Appendix to No. 270

PROVISIONAL[4] LIST OF SECTIONS OF THE GOVERNMENT OF INDIA ACT REQUIRING AMENDMENT

PART II (if brought into Operation).

Section 13.	(Submission of draft Governor-General's Instrument of Instructions to Parliament.)
Section 14.	(Superintendence of Secretary of State.)
Section 32.	(Power of Crown to disallow Acts of Legislature.)
Sections 42–44.	(Power of Crown to disallow Governor-General's Ordinances and Acts; submission of Acts and extending Ordinances to Parliament.)
Section 45.	(The "breakdown" section; Parliamentary control.)

PART III.

Section 53.	(Submission of draft Governor's Instrument of Instructions to Parliament.)
Section 77.	(Power of Crown to disallow Acts of Provincial Legislatures.)
Sections 88–90.	(Power of Crown to disallow Governor's Ordinances and Acts; submission to Parliament.)
Section 93.	(The "breakdown" section; Parliamentary control.)
Section 102.	(Proclamation of Emergency; Parliamentary control.)

PART V.

(Ought provisions such as Section 107 relating to the assent of the Governor-General *or* of His Majesty to legislation to be amended?)

PART VII.

Section 140.	(Export duty on jute; power of His Majesty in Council to regulate distribution to Provinces, &c.)
Section 142.	(Grants to Provinces; determination by His Majesty in Council.)
Section 157.	(Duty of Federation and Provinces to supply Secretary of State with funds.)
Sections 158–9.	(Certain financial powers of His Majesty in Council.)
Section 173.	(Powers of Secretary of State in regard to disposal of certain property.)

PART IX.

(Courts: Powers of His Majesty in Council to fix salaries, &c., alter jurisdiction, constitute new Courts, &c.)

[4] [Note in original:] This list is subject to expert scrutiny and may not be exhaustive. Not all the sections referred to necessarily require amendment. The list does not include provisions relating to Secretary of State's functions in respect of the Indian States.

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Part X.

The Services; *passim*. Secretary of State's powers of appointment, regulation of conditions of service, &c.

Part XI.

(The Secretary of State and his Department—may not require amendment.)

Part XII.

Section 290.	(Powers of His Majesty in Council in regard to creation of new Provinces, alteration of boundaries, &c.)
Section 291.	(Powers of His Majesty in Council in regard to franchise matters.)
Section 305A.	(Pensions of Home Civil Servants appointed to office in India.)
Section 308.	(Functions of Secretary of State in regard to amendment of certain provisions of the Act and to making of Orders in Council.)

Part XIII.

Section 314.	(Secretary of State's powers of control in transitional period.)
Section 315.	(Raising of Loans by Secretary of State.)

Ninth Schedule.

Section 36 (3).	(Service qualification for Governor-General's Executive Council.)
Section 41 (3).	(Governor-General's overriding powers; provision for reference to Secretary of State.)
Sections 64, 67.	(Rules made under the Act—composition of Legislature, Rules of business—requiring sanction of Secretary of State under Section 129A.)
Section 67B.	(Governor-General's powers of certification; control of Parliament.)
Section 69.	(Power of Crown to disallow Acts.)
Sections 85, 86.	(Regulation of salaries, grant of leave, &c., to Governor-General, &c.)
Section 129A.	(Rules made under the Act require sanction of Secretary of State.)

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War Cabinet

India Committee. Paper I (45) 26

L/PO/6/108b: ff 104–5

INDIA POLICY

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *17 February 1945*

In item 2 of the Appendix to I (45) 5[1] the Chancellor of the Exchequer asked that an official group should be set to work on possible variants of the scheme outlined by Professor Sir R. Coupland as regards both the Provincial Executives and their relation to the Legislatures, and possible regional groupings. I circulate herewith a note prepared by some of my Advisers and officials on the first part of this subject. A note on possible regional groupings will follow early next week, and with my Memorandum I (45) 25,[2] which is about to be circulated, completes the material for which the Committee has asked.

L.S.A.

NOTE

POSSIBLE VARIATIONS OF THE COUPLAND PLAN AS REGARDS PROVINCIAL EXECUTIVES AND THEIR RELATION TO THE LEGISLATURES

I.—INTRODUCTORY

This note deals with possible variants of the scheme outlined by Sir Reginald Coupland as regards Provincial Executives and their relations to the Legislature. Coupland in Chapter VII of Part III commends the Swiss model for study in this respect. But he concludes that Chapter with the following words:—

> "It is not contended that the Swiss method is the only or necessarily the best method of dealing with the composition of a Provincial Government and its relations with the Legislature. The main purpose of this Chapter is to underline the lesson of the experience of the last few years, namely, that Provincial Governments in India ought, like the Swiss Government, to be stable and strong, and that they should be so composed and so related with the Legislatures as to reinforce the prestige of the Government and the Law in the public mind and to promote as far as possible the appeasement of communal antagonism."

In what follows, Coupland's assumption is accepted that no substantial change can be made in the present method of communal representation.

[1] No. 188. [2] No. 270.

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II.—ELECTION OF THE EXECUTIVE

In effect Coupland proposes that the Executive (1) should be free from the constant threat of the termination of its existence by a hostile vote of the Legislature; (2) should be reasonably certain of securing its financial requirements and essential legislation, and be able to enforce the law without respect of persons; and (3) should be so constituted as to rest on the support of a substantial section of all communities within the province.

To take the last of these requirements first is the natural order in time, since the Executive must in some way be constituted before it can function. The most hopeful way to secure a Ministry resting on general support seems to be by election by the Legislature immediately on its constitution through proportional representation with the single transferable vote. This system postulates that the number of Ministers must be settled before the election begins. And, further, in order that one member of a substantial community should be elected, it is necessary that there should be a statutory minimum size of the Ministry. At the same time it may be desirable to exceed that minimum. For these reasons it seems essential that the first thing a new Legislature should do is to elect a Prime Minister. Then he can advise the Governor on the size of the Ministry (subject to the statutory minimum), and the Legislature can then proceed to elect the Ministers.

The Swiss system of annual rotation of the office of Prime Minister is not considered suitable to Indian conditions.

Whether proportional representation will in fact produce a really satisfactory coalition Government is discussed in an appendix to this note.

III.—STABILITY OF THE EXECUTIVE

Coming back to the first requirement, strength and stability, the Swiss model certainly satisfies. It may, indeed, be argued that it secures in practice too great stability. Some Swiss Ministers have held office continuously for four periods, 16 years in all. At the same time professional administrators are a very valuable element in a Government. And it is not only in Switzerland that members of the Executive hold office for long periods. President Roosevelt seems likely to be Chief Executive in the United States for 16 years, and the span of one member of the Northern Ireland executive was 19 years. The former case has arisen under the most directly democratic system of election; the latter under a constitution which seems to secure something like the permanent domination of one party.

IV.—MOTIONS OF NON-CONFIDENCE

Perhaps the rigid stability of the Swiss model should be mitigated to some extent. It is indeed desirable that[3] *ordinarily* a Ministry, elected by a new Legislature, should live for the full period of that Legislature, say five years.

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But it might be advisable to allow the Legislature the right to move a vote of no-confidence at infrequent intervals. It is suggested that such a motion should be admitted once a year, *but not in the budget session*. If it were carried by a two-thirds majority the Ministry would be obliged to submit their resignations. Thereafter it would be for the Governor to decide whether he should call on the Legislature to elect another Prime Minister and another Ministry, or dissolve the Legislature. The plan is devised to guard against a factious or corrupt decision by the Legislature; to prevent the finance of the Province being dislocated; and to enforce a sober judgment on the Legislature by the likelihood of it having to face the constituencies.

V.—BUDGET CUTS

It would not be difficult for a Legislature to go near to nullify these restrictions on its freedom of action by moving cuts, other than token, on motions for demands for grants, or even more by rejecting the budget as a whole. It is proposed that both these practices should be forbidden by the Constitution. A Minister, or the Ministry as a whole, can be expected to be sufficiently responsive to adverse votes on token cuts, to ensure that the Legislature has an adequate control over details of finance.

VI.—ESSENTIAL LEGISLATION

It is not enough, if the object is to secure both a stable and a *strong* Government, to arrange for its continuance in office and for an assurance of supply. It must be able to get *essential* legislation. If it cannot, it ultimately falls back into subservience to the Legislature, a fate which has sometimes befallen a President of the United States. Some power, therefore, however ringed round with safeguards, to enact short-term ordinances is required.

VII.—CASUAL VACANCIES IN THE EXECUTIVE

On the second requirement (*vide* paragraph II) there is little more to be said, since finance and legislation have already been dealt with, while the reasonable certainty of remaining in office for five years should be enough to enable a Ministry to strengthen the general population's respect for the law, always provided that the judiciary is itself kept respectable. There are, however, a few more points that might be considered. First is the question of how a casual vacancy in the Ministry is to be filled. In Bengal, Bihar and Burma such vacancies as occur in the indirectly elected portion of the Upper House are filled by election by the whole of the Lower House, subject to the proviso that the candidates must be members of the same community as the Member whose place is to be filled. Although it may be argued that this is likely to secure the election of one who is less acceptable to his fellows than to the other

[3] [Note in original:] This would not exclude resignation by a Ministry at any time.

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communities, and that it might be better to leave the election to the community members only, nevertheless it is recommended that this procedure should be adopted without variation for the election of a Minister.

VIII.—DISMISSAL OF MINISTERS

A second point is that it may be desirable to get rid of a particular Minister who has made himself impossible either to the Government or to the Legislature or to both. It is not advisable to permit direct votes of no-confidence against individual Ministers, which if carried would automatically lead to their loss of office. But the Legislature should be able to express its loss of confidence in the course of debate on budget cuts or other motions followed by adverse votes. It is suggested that, if a Minister, who is manifestly unfit for his post, refuses to resign, the Governor with the concurrence of the Prime Minister should be empowered to dismiss him. To require the Governor so to act on *advice* might tempt a Prime Minister to seek to get rid of a colleague whose views were not always in accord with his own. The expedient suggested by Coupland—that the Prime Minister might ask for the Legislature's approval for a new election—seems to involve the same risk, since the Prime Minister would usually if not invariably command a majority in the Legislature.

A Ministry should not be allowed to resign to get rid of an undesirable colleague. If a Ministry desires to resign for reasons other than a loss of confidence, as shown by a no-confidence vote, the Governor would be free to accept its resignation and order either a fresh ministerial election or a dissolution of the Legislative Assembly.

IX.—OUTSIDE INFLUENCE

Finally it is to be expected that the kind of Government that would emerge from the plans advocated above would be unlikely to submit to any kind of dictation from outside unconstitutional bodies. If they secured this alone, their merits would outweigh their possible defects.

APPENDIX

It deserves to be examined whether, under proportional representation, substantial minorities have a reasonably good chance of getting one at least of their candidates into the Ministry. For this purpose the annexed table has been prepared. It is based on the existing constitution, and the figures for Upper Chambers, where they exist, have been added, since in Switzerland both Houses jointly elect to the Federal Council. The question is complicated by the fact that in the six provinces that have Upper Houses the Governor *may* nominate the number shown in the table (column 17) and *must* nominate a smaller number, and that in Bengal and Bihar the Lower House elects a substantial

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proportion of the Upper House. The latter should, broadly speaking, reproduce the make-up of the Lower House and both should somewhat reinforce the strength of the weaker communities or interests. It may be taken that the number in column 4, divided by the number of Ministers, column 3, fairly closely indicates the "quota," i.e., the number of votes either of first or subsequent preference needed for returns.

The number of Ministers actually holding office in each province since 1937 is shown in column 2, while column 3 shows the number which might perhaps be taken as the statutory minimum required to give a reasonable chance to the chief minorities. Figures in black mean that the "community" is "certain" to be able to elect a Minister; figures underlined that it is "doubtful," i.e., it would require a small amount of outside support. The rest are "unlikely," i.e., could not do so save in combination with most other minor "communities" or with considerable help from the major "communities." It will be seen that "General" members, i.e., Hindus other than Scheduled Castes, are "certain" in all Provinces and that Muslims are "certain" everywhere except in Orissa ("unlikely"). Scheduled Castes are "certain" only in Madras, Bengal and Central Provinces and doubtful in Bombay, United Provinces and Bihar. Sikhs are "certain" in the Punjab. Europeans with the help of "Commerce, &c." members may be classed as "certain" in Bengal. No other "minority" has even a "doubtful" chance in any province. The question is whether it is proper to go so near to excluding from the Executive such elements as the Scheduled Castes in several provinces, the Backward Tribes in Assam, the Indian Christians in Madras, and Labour everywhere.

The suggested statutory minima have already been put somewhat high. To attempt to remedy the position by substantial increase would be to imitate the curious procedure of Assam, which has probably had the worst Ministries in India. It may be considered whether the proper remedy is not to empower the Governor in his discretion, after consultation with his Ministers, to appoint one additional Minister (cf. Government of India Act, Section 59 (5), Rules of Business). He might also use this power to meet unforeseen pressure of work. Coupland holds (perhaps rather optimistically) that "for *all* the inhabitants of a Province, to whatever community or party they belong, scarcely any price could be too high to pay for a genuine and lasting Hindu-Moslem agreement." It is doubtful if that view is generally held by Indians.

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ANNEXURE

Province	No. of Ministers		Total	General excl. Sch. C.	Schld. Castes	Back-ward Tribes	Sikhs	Muslims	Anglo-Indians	Eur.	Indian Chris-tians	Com-merce, &c.	Land	Uni.	Lab.	Govr. appts. to Leg. Council	Leg. Ass. elects to Leg. Council
	Since 1937	Suggested Minimum															
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
Madras ..	10	10	271	**157**	**30**	1	..	**36**	2	4	12	6	6	1	6	10	..
Bombay ..	7	8	205	**124**	15	1	..	**35**	2	4	3	7	2	1	7	4	..
Bengal ..	11–13	12	315	**60**	**30**	..	..	**136**	4	14[4]	2	19	5	2	8	8	27
U.P. ..	6	10	288	**158**	20	..	..	**83**	1	3	2	3	6	1	3	8	..
Punjab ..	6	8	175	**35**	8	..	**32**	**86**	1	1	2	1	5	1	3	..	..
Bihar ..	4	8	182	**83**	15	7	..	**44**	1	3	1	4	4	1	3	4	12
C.P. ..	7	8	112	**67**	**20**	1	..	**14**	1	1	0	2	3	1	2	..	..
Assam ..	5–6–8–10	8	130	**51**	7	9	..	**40**	..	3	1	11	..	..	4	4	..
N.W.F.P.	4	6	50	**9**	..	..	3	**36**	..	..	..	2	..	..	..	..	..
Orissa ..	3	6	60	**40**	6	5	..	**4**	..	..	1	1	2	..	1	..	..
Sind ..	3–5–6	6	60	**19**	..	..	..	**34**	..	2	..	2	2	..	1	..	..

[4] [Note in original:] i.e., with the 14 seats under 'Commerce, &c.'.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&S/13/982: ff 114–15

IMMEDIATE INDIA OFFICE, *20 February 1945, 8.20 pm*
SECRET

4038. Your telegram 17th Febr[uar]y 345–P.V.[1] I agree that procedure described in para. 3 would be good tactics provided you are satisfied that it is constitutionally plausible. I see no provision in Chamber constitution for resignation of office-bearers but are you satisfied that it is constitutionally possible for them to resume office without re-election? Para. 7 of your tel[egra]m 4th December,[2] and Political Secretary's note[3] of same date show that there was no question of your accepting resignations and presumably it follows that there would be no question of your authorising withdrawal. Bhopal might surely argue (compare Section 68 (3) (*b*) of Govt. of India Act) that letters of resignation automatically made seats vacant and that new elections as far as possible under rules in Appendices to the First Regulations are only means of filling them.

2. I see that Bhopal in March 1942 produced to your predecessor an opinion by Sapru criticising alleged irregularities in Chamber procedure. It might be wise to forestall any such démarche now.

[1] No. 267. [2] No. 131. [3] L/P&S/13/982: f 216.

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India Policy

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

20 February 1945

At the request of the Chairman, I circulate the text of the note originally prepared by some of my Advisers and officials commenting on my own proposals (I. (45) 4)[1] and those of the Minister of Education (item 4 of the

[1] No. 184.

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Appendix to I. (45) 5).[2] The various points raised were, after discussion with my Advisers, embodied and commented on in my I. (45) 25.[3] Much of the criticism in the original note applies, of course, to any solution involving complete Indian self-government.

L.S.A.

NOTE

The suggestions communicated to the India Committee by Ministers tend to fall into two separate categories, according as they relate to elements in the long-term issue of India's future constitution or to the measures to be taken as a short-term policy pending a permanent constitutional settlement. The memorandum by the Secretary of State and the letter from the Minister of Education fall into the latter category. It has been thought best on that account to consider these apart from the others, and also because some of the concrete proposals put forward by the Secretary of State have been found on examination to have a bearing on the longer-term issues raised in particular by the Lord Chancellor.

2. This examination is confined to the practical working and implications of the recommendations formulated by the Secretary of State and the Minister of Education. It does not deal with the political considerations which have influenced them in making their recommendations, nor with suggestions made in India (see Mr. Rajagopalachari's letter circulated in Paper I. (45) 10)[4] for an interim arrangement which by putting into effect with modifications certain provisions of the Federal scheme (Part II of the Government of India Act, 1935) would create a suitable atmosphere in which agreement on a permanent Constitution could be reached.

3. The value of the psychological effect of the Declaration of Intention which he proposes is not to be underrated; but if it is to achieve this effect the severance of control by Whitehall and Parliament must be genuine. For the reasons shown below it does not appear that the intention can be carried out in relation to a provisional Government functioning broadly under the existing Government of India Act, and that an attempt to do so would be a self-contradiction. The result of the attempt might well be to sharpen suspicion of His Majesty's Government's sincerity.

4. The *first of the recommendations*, which are summarised on page 7 of I. (45) 4,[5] is that an announcement should be made at a suitable date of the intention to treat India (as from the end of active hostilities) as a "free and equal member of the Commonwealth" under her existing Constitution pending agreement on a permanent scheme of government. But this description of India's status will, it is feared, be condemned by the Indian politician as a contradiction in terms. While the existing Constitution remains in force the

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Governor-General and all the Governors will continue to be appointed by His Majesty, presumably on the advice of His Majesty's Government in the United Kingdom and not on that of Indian Ministers. (Nor in the case of the Governor-General could Members of the Executive Council whom he had appointed appropriately tender advice to His Majesty regarding his successor.) Moreover, the existing Constitution confers on both Governor-General and Governors certain special powers, in the exercise of which they are now and will continue to be governed, not by the advice of Members of Council or of Ministers, but by general instructions issued by His Majesty. Apart from the existence of these reserve powers conferred by Statute on the Governor-General and Governors, it is to be presumed that in the contemplated Treaty His Majesty's Government will wish to insist on certain provisions regarding the stationing and control of British troops in India, the protection of the States and other matters; and these provisions, even though voluntarily accepted, would still constitute a limitation on the autonomy of the Indian Government. Moreover, it would seem to be necessary until such a treaty had been concluded to instruct more particularly the Governor-General and Governors as the case may be to exercise their personal overriding powers so far as may be necessary to preserve the *status quo* in respect of what are regarded by His Majesty's Government as their essential responsibilities in India, in order that the position may not be prejudiced in the interval.

5. For these reasons it is thought that the statement would fail of its desired effect on Indian opinion, which would probably denounce it as another camouflaged attempt to perpetuate British control. And the psychological atmosphere hoped for in connexion with India's representation at a Peace Conference would equally be missed since India's representatives would be under the control of a Governor-General appointed by the Crown on the advice of His Majesty's Government and the claim that India would be taking part "on a full equality with any other nation" would be held to be false.

6. Under the proposals, the Viceroy's position, quite apart from the complications arising from his responsibilities as Crown Representative (which are discussed later), would be anomalous and uncertain. In the exercise of his powers he would be responsible to no one, unless it be to His Majesty who appointed him—a position which would have the incidental consequence of bringing[6] His Majesty into the political arena.

[2] No. 188. [3] No. 270. [4] No. 223. [5] i.e. p. 375 in this volume.

[6] [Note in original:] His Majesty cannot act constitutionally except on the advice of his Ministers. Therefore, unless the King is to be placed in relation to India in an anomalous position unknown to the British constitution, his actions vis-à-vis the Governor-General must be those of His Majesty's Government, which cannot cease to be responsible to Parliament in respect of India as of any other topic.

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7. Apart from any question of the issue of specific instructions from Whitehall the Governor-General and Governors are at present invested with a moral authority derived from their relationship to His Majesty's Government and Parliament. With the termination of control by His Majesty's Government this moral authority would be weakened. The Governor-General and Governors would find it increasingly difficult to act contrary to the advice of the Indian politicians whom they had called to Office in the Executive Council or the Provincial Ministries. In the last resort the authority of the Governor-General rests on the sanction afforded by the presence of British troops in India, which cannot by hypothesis be under the control of an Indian Government; this in turn leads up to the treaty point—what troops are to remain in India and under what authority.

8. The *second recommendation* of the Secretary of State relates to the enactment of the necessary legislation, &c., required to give effect to proposal (1) and to enable elections to be held for a new Central Legislature. Legislation would be indispensable for this purpose, and a list[7] is appended containing a provisional list of the sections of the 1935 Act which would require amendment for the purpose of terminating the statutory powers of control vested in His Majesty's Government. (It will be noted that a large part of the Act relates to the Secretary of State's control in relation to the Indian Civil Service and other Services appointed by him; the removal of the protection enjoyed by the Services under these sections of the Act would of course have far-reaching consequences, both on the European personnel now in the Services and on the possibility of future recruitment from this country.) Parliament would of course be concerned not only with amending legislation but with the drafts of any Orders in Council that may be found necessary and with the revision of the Instruments of Instruction. The drafting of the new Instruments would be a matter of difficulty; to be comparable with those applicable to the Dominions they would be denuded of much of their present content and be limited to such matters as the taking of oaths and the exercise of the prerogative of pardon.

9. There is, *prima facie*, much to be said in favour of the Secretary of State's proposal to reconstitute the Central Legislature on the lines of the British India section of the Federal Legislature contemplated in the 1935 Act. The precise effect of omitting the Indian States' representation from this Legislature is not certain; probably in the matter of communal representation the Moslems would stand to gain by it in relation to the Hindus. Changing conditions, and in particular the increased importance of labour and the claims of those who have served in the Armed Forces, would necessitate a revision of the Table of Seats in the First Schedule of the Act. But one consequence of reorganising the Central Legislature deserves notice. Admitting the Secretary of State's underlying thesis that the Executive Council continues to be constituted as at present,

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that is by the Viceroy's unfettered selection of distinguished Indians, it is not essential so far as their position is concerned to make any change in the constitution of the Legislature; there is even some case for curtailing the powers of the Legislature in order that the Executive may be less at the mercy of an irresponsible opposition; but if it is decided for other reasons to replace the present body by a more representative, and therefore more powerful, Legislature, it would seem to follow that the Executive Council would have to be brought into closer relation with it and reflect its political complexion.

10. It may be noted that as the process of preparing for general elections in India takes several months, and as the date for the termination of active hostilities cannot be foreseen, there is likely to be a long interval between the date of the proposed announcement and the time when the Secretary of State's proposals would have full effect. In the interval the psychological effect of the announcement might well be wholly dissipated.

11. The creation of an All-India Consultative Council under the Secretary of State's *third recommendation* would have considerable advantages; but it is important to note that it is a step which could be taken at any time and that it would not contribute anything to the hoped-for psychological effect of the first recommendation. If such a body were to be set up it would, to be really effective, need to be invested with some executive powers or at least some definite share in the formulation of policy, and not to be left with advisory powers only, though manifestly any powers which the Council claimed to exercise in relation to individual States would have to be derived by agreement from the individual Rulers. If adequately representative of enlightened opinion both in the States and in British India the Council might well contribute to the stability of the Central Government, and although concentrating on economic and social problems it would, if it were at liberty to consider and recommend constitutional measures, be able to make a valuable contribution to the orderly constitutional development of India. Incidentally, although this proposal for an all-India Council has no necessary connexion with the main recommendation, it would tend to reassure the Princes who are certain to view the latter with alarm, and who have always made it a grievance that they are not associated with British India in the determination of economic and financial issues of all-India concern.

12. For the purpose of associating the Indian State[s] with British India the Minister of Education suggests that Princes might be included in the Governor-General['s] Executive Council. On this it may be noted that while there is nothing to prevent the Governor-General from nominating a Prince or an Indian States subject to his Council, such persons could be appointed only in

[7] [Note in original:] Circulated with I. (45) 25. [No. 270.]

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their personal capacity; they could not simultaneously exercise powers as Ruler or otherwise in an Indian State.

13. *The fourth recommendation* relates to the treaty (or treaties) to be made with the Government of India. This difficult issue is dealt with more fully[8] in connexion with the Lord Chancellor's note of the 3rd January (I (45) 5). With whom is the treaty to be made? Under the Secretary of State's proposal it is apparently to be made with the provisional Government of India, that is, with a Governor-General suspected to be still under the influence, if not subject to the specific instructions, of His Majesty's Government—as indeed he would have to be in order to maintain the position unprejudiced in respect of matters to be secured in the treaty. Hence the treaty would be in danger of being suspect to Indian nationalist opinion and the prospect of it being honoured throughout its term would be far from certain.

14. A passing reference was made in paragraph 5 above to the complications arising from the Viceroy's dual position as Governor-General and as Crown Representative. In some respects this indeed appears the crucial difficulty in the Secretary of State's recommendations. The main characteristics of the Crown's relationship to the States are described in Appendix II of Paper I (45) 22.[9] So long as the Crown continues to exercise paramountcy over the Indian States there must be a Crown Representative, who for the adequate exercise of his functions must be able to count on (*a*) finance, (*b*) power to call on the services of the Armed Forces. Under (*a*) he requires each year a net sum of a little over one million pounds (about £1,100,000); apart from exceptional requirements such as the means to make loans to States in temporary need of assistance. A provision in the Government of India Act (Section 145) now in force requires the Government of India to place at his disposal from the revenues of India such sums as he may need. As regards (*b*), the obligations, both permanent and occasional, which may require the use of troops by the Crown Representative are referred to in Annexure 2 to Appendix II of Paper I (45) 22. Under the present arrangements there is, of course, no difficulty in providing the Crown Representative with the forces required; under the federal arrangements contemplated in the Government of India Act there is a provision (Section 286) analogous to the financial provision referred to above but not yet in force, requiring the Governor-General to place at the disposal of the Crown Representative any armed forces required by the latter.

15. Under the present constitution the Crown Representative's needs are adequately met. The question arises whether this would continue to be the case under the Secretary of State's proposals. The Secretary of State contemplates the continued tenure of the two offices of Governor-General and Crown Representative by the same person. Indeed, the affairs and interests of the States and of British India are so interlocked that separation of the two offices

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would cause serious difficulties in practice. But the combination in one person of two separate functions, in one of which he is *ex hypothesi* freed from control by Whitehall while in the other he is subject to the directions of His Majesty's Government, would render the whole arrangement suspect to British Indian opinion. It would be difficult to convince the Indian critic that the Governor-General's independence of Whitehall was genuine and that he was not subject, indirectly if not directly, to instructions from London. The Secretary of State points to the arrangement in force twenty years ago in South Africa when the Governor-General exercised in respect of native territories the functions of a High Commissioner in which he was subject to the instructions of His Majesty's Government. But the comparison is not close, for the interests and the problems of the Indian States are vastly more important in relation to British India than those of the native territories in relation to the Union. Moreover, the former arrangements in South Africa have been superseded as inconsistent with the full developments of Dominion status; the analogy would therefore be so much the less satisfactory to Indian nationalist aspirations.

16. As for the practical effect of the arrangement on the satisfaction of the Crown Representative's requirements, the statutory obligation to supply him with the necessary funds would presumably remain, though it may be expected that friction would occur in his relations with the Finance Member of the Governor-General's Council, especially in regard to fresh items of expenditure. Developments might indeed make it necessary to consider seriously whether the British Exchequer should not assume liability for the Crown Representative's expenditure. His requirements in the matter of troops would presumably have to be covered by the defence arrangements, to be settled by treaty or otherwise, and could hardly fail to constitute an element of the negotiation of a treaty highly unpalatable to British Indian opinion.

17. If in order to satisfy the Indian politician it were necessary to appoint a separate person as Crown Representative (and the separation may in the long run be inevitable), the lack of the unifying link at the top will greatly increase the risks of friction and deadlock and may well decrease the prospects of the Indian States consenting to join an Indian Union while impeding the power of the Crown to fulfil its obligations towards them.

18. Thus, for the various considerations set out above, it is felt that the Secretary of State's recommendations will fail to achieve the desired object or objects.

19. *Note by the Minister of Education.*—The essence of this note is the suggestion that an interim change should, pending discussion and decision on India's constitution, be made forthwith so far as is necessary for the enhancement of

[8] See Appendix I to No. 246. [9] No. 246.

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India's status and so far as may be done without upsetting existing arrangements. Essentially this is the principle of the suggestions made in the Secretary of State's memorandum, though where the proposals differ in detail it would seem that those of the Secretary of State may be more palatable to Indian opinion; for example, the Secretary of State would sever the dependence of the Governor-General on the control of Whitehall, whereas the Minister's note appears to contemplate a Dominion status of a lower grade such as that of Newfoundland and Southern Rhodesia, because under the Minister's proposals the Secretary of State would continue to be answerable to Parliament in respect of the Indian administration.

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Mr Amery to Mr Bevin

L/PO/6/108b: f 85

INDIA OFFICE, *21 February 1945*

My dear Ernest,

I find I haven't any extra copies of my paper[1] here, so I am asking the Cabinet Office to send you a copy. I think I told you that the paper, which is pretty revolutionary in some ways, has not yet been considered by the India Committee, still less approved of. Also it was written over the Christmas holiday before the further developments in connection with Wavell's idea of bringing political leaders into the Executive which have brought that aspect of the matter into the forefront.

The two lines of advance are of course not exclusive. If Wavell's idea comes off the presence of a more representative Executive would certainly strengthen the case for the practical recognition of India's self-government under her existing constitution. On the other hand, if Wavell's proposal does not come off at this moment, a declaration of the kind I have envisaged would make it easier for Indian leaders to come in and might indeed afford an opportunity for releasing the detained Congress leaders.

I am letting Clem know[2] that we have had a talk and that in consequence I am sending you a copy of my paper to the Committee.

Yours ever,

L. S. AMERY

[1] No. 184. [2] L/PO/6/108b: f 84.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 7 *21 February 1945*

Many thanks for your letter of 7th February.[1] I telegraphed to you about Hope after I saw him at Cochin, and am sure the right thing is to give him an extension for six months. He has since telegraphed to me confirming that Lady Hope would welcome an extension. I realise how difficult it is to find men for Governorships and other high appointments during the war, but our failure to take decisions until the last minute causes real inconvenience to the men in office and gives rise to gossip and speculation. I do not know if anything effective can be done about this, but possibly we should begin thinking about new Governors a year before they are due to come out. Hope was quite reasonable about the delay, but he obviously thought a decision should have been taken months or at least weeks ago and I must say I sympathise with him. He has been invited to various farewell entertainments and his position is embarrassing.

2. I am still thinking over the selection of a successor to Wylie. I doubt if Hutton would do and I can at the moment think of no Army Officer who would be suitable. I am clear that the Political Adviser must have an Indian background, and preferably a considerable knowledge of the States. A Civil servant from home would have to master a mass of unfamiliar material before he really got down to his work, and might be of little use for two years or more. I will telegraph as soon as I have any definite proposal to make.

3. I am glad you have seen something of Akbar Hydari. He is always worth talking to, and is a good administrator with a light touch and never overpowered by his work. I am glad, too, that Muhammad Ali has made a good impression. He has been Coates' right hand man since the beginning of the war. I do not know him personally though he was working under Coates when I was Commander-in-Chief. But I am told he is likely to go to the top of the Finance Department and is one of the best of our younger Indian officials. Jenkins wrote personally to Monteath suggesting that Muhammad Ali might be introduced to some of the senior men in the Home Departments, who might be interested to meet him.

4. I have consulted the Information and Broadcasting Department about European speakers for the U.S.A. and about the suggestion that Zafrullah

[1] No. 254.

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might do an American tour. Spens is a little restive about Zafrullah's travels and was reluctant to agree to his visit to the troops in Italy. Zafrullah's recent speech in London, as reported out here, did not sound very helpful or sensible.

5. My staff are in touch with the Ministry of Economic Warfare's representatives here on the suggestion you had from Cripps that they may have information on industrial and commercial matters which would be useful to us after the war.

6. I have little to say this week about all-India politics. I am awaiting a reply to my last telegram[2] about the Desai proposals before making any further move. Gandhi has published a statement[3] in the morning papers of 19th February, of which a copy goes by this bag. He seems to be upset by the action taken in Bihar, the United Provinces and elsewhere against leading Congressmen who have made violent speeches in connection with his constructive programme. He thinks that repressive action does not go well with the rumours of a possible settlement. Otherwise the statement contains nothing new. The action taken in Bihar and the United Provinces had my previous approval; and I have always made it clear that inflammatory speeches or action will entail repression.

I mentioned in paragraph 4 of my letter of 9th January[4] that Mudie had suggested that the Ahmednagar Camp should be broken up and that the members of the Working Committee still in detention there should be transferred to their own Provinces. The Provincial Governments have agreed, and with the concurrence of Council, to whom the proposal was mentioned on 19th February, we shall now make the transfers. There are signs of discontent at Ahmednagar and Syed Mahmud and P. C. Ghosh brought out with them when they were released sensational stories about the health of their colleagues and other grievances. Now that interviews with relations are allowed, the point of segregating the members of the Working Committee, or most of them, at one place has disappeared, and they may worry less about their health if they are in their own Provinces.

7. There is little to report about Provincial politics. There is still much intrigue in Sind, the net result of which is that the Muslim League have lost two bye-elections and that Jinnah's position there is rather weaker than it was. It is almost impossible to follow party movements in Sind as, with the possible exception of Ghulam Hussain Hidayatullah, none of the politicians seems to have any principles at all. But I think Jinnah is finding interference in the Provinces less easy than he once hoped. There is a dispute going on in Assam between the Ministry and the local branch of the League about Muslim immigration from the Mymensingh district of Bengal, and though I doubt if any Assam Ministry would be strong enough to solve this problem, the extreme Muslim Leaguers have certainly not had things their own way.

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8. I have telegraphed to you about the Princes' latest move.[5] Bhopal wrote to me on 9th February[6] suggesting that I should convene as early as possible the Chamber Session postponed last December and should direct the Secretary of the Chamber to arrange for immediate bye-elections to fill the vacancies caused by the resignations of the office holders and the Standing Committee. I have replied that bye-elections seem quite unnecessary and that much the best plan will be for the resignations to be withdrawn.[7] We know that Bhopal's intention is to arrange that all the Princes who resigned shall be returned at the bye-elections; this would be a demonstration of unanimity. It seems undesirable to permit such a demonstration and there is also the problem of the Princes who are members of the Standing Committee in their own right, and whose resignations as such were invalid. A Prince who is a member in his own right can of course decide to take no part in the business of the Chamber and can announce his decision, but he is not in a position to resign. I will let you know what Bhopal's reactions are.

9. The food position is unchanged. I told you some time ago[8] that there was a dispute between the Central Government and the Government of Sind about the imposition of an export surcharge on Sind rice and that Dow agreed with his Ministers that the surcharge was justified. The Sind case is that while the price of rice in Sind was controlled at Rs. 9-8-0 a maund, we allowed a far higher statutory maximum (Rs. 13-8-0) in the Punjab and that there is no reason why the Sind Government should not charge the same, or approximately the same export price as the Punjab Government. I am quite clear that this argument cannot be accepted. Even in peace time there are differences between market prices in the various Provinces and our whole policy has been to bring prices down gradually and to secure something like uniformity. In spite of the difference of Rs. 4 in the statutory maxima for the Punjab and Sind, rice is selling in the Punjab at about Rs. 10-12-0 and in Sind at about Rs. 9-8-0. The statutory maxima for wheat are the same in both provinces, and the Punjab price is about Rs. 9 against the Sind price of about Rs. 7-8-0. There is no evidence that the present statutory maximum for rice is unfair to Sind, and unless transactions between provinces are on a no-profit and no-loss basis it would be impossible for us to carry on. I have therefore authorised the issue of a direction to the Sind Government under Section 126-A of the Government of India Act requiring them to discontinue the surcharge. The Food Department had originally proposed that the past proceeds of the surcharge should be refunded to the purchasing Governments, but this proposal has been dropped. The Sind Ministers will, I think, welcome a direction. One of Dow's reasons for supporting them was that they would have great difficulty in

[2] No. 262. [3] A copy of this statement is on L/P&J/8/635. [4] No. 189. [5] No. 267.
[6] No. 255. [7] No. 269. [8] No. 227, para. 9.

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justifying the discontinuance of the surcharge to their Legislature, and if they can say that they have been compelled by the Central Government to discontinue it, they cannot be very seriously attacked.

10. Casey has asked me to let you know his views about the increased jute acreage in the current year. The Bengal Government have agreed to license an "8 annas" acreage, but have done so only because of the great importance His Majesty's Government attach to an increased jute crop. They were obliged to do without a firm undertaking from the Government of India to compensate Bengal by a promise to supply 100,000 tons of wheat or rice, which they consider represents the loss of food due to an increase in the area from 7 to 8 annas. Casey is apprehensive about Bengal's food situation in the second half of this year and the decision about the jute acreage increases his apprehension. He relies on our general guarantee to meet Bengal's food difficulties if and when they arise, and says that this guarantee is now even more important than it was before.

I hope that the additional cultivation of jute will not have serious consequences on the food situation, and with even average rice crops this year Bengal should be secure. What Casey fears is of course a partial crop failure which would be a very serious matter indeed.

11. You mentioned in paragraph 8 of your letter of the 18th January[9] Fowler's report about statistical arrangements in India. I have now seen the report, which is still under consideration by Gregory. We have recently set up an Inter-Departmental Committee on Statistics to report the existing gaps in knowledge and organisation. Also an Administrative Intelligence Room has been set up under Gregory's control. At present it is a little difficult to see what the relationship will be between this latter organisation and the Department of Commercial Intelligence and Statistics, which is the central co-ordinating authority for routine statistics covering a wide field. Nor is Gregory sure whether the British organisation of a Central Statistical Office is suited to Indian conditions. He will have to consider this carefully in consultation with a number of departments. Some of my colleagues in the Executive Council are a little touchy about centralised control of economic advice and they may possibly need a little persuading over the matter of statistics too. But I will keep an eye on this.

[Para. 12, on a note on the leakages in the India Agent-General's Office in Washington, omitted.]

13. Thank you for your telegram of 13th February[10] about Standing Committees. Your official telegram to the External Affairs Department[11] was taken in Council during my absence on tour, and it was agreed that the proposal to attach a Committee to the External Affairs Department should be resisted on

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the grounds that international relations must be dealt with largely as secret, and that if a committee were established, information would have to be denied to it on the grounds of public interest so often as to make its existence futile. Otherwise our line will be to oppose the appointment of Standing Committees by a Standing Order but to agree to an extension of the present system. I understand that the Standing Committees which now exist are regarded by the officials as a nuisance, but do very little harm. The members are elected by the Legislature, but the business is regulated by the Member in charge of each department and the Committees are content to take what he serves up to them. They meet only a few times a year, at the beginning or end of sessions of the Legislature and occasionally between sessions. If we can keep to the present arrangements and avoid an amendment of the Standing Orders, I think the extension will do no harm.

14. I was surprised to hear through Auchinleck of the decision to amalgamate the Middle East and P.A.I. Commands. The Chiefs of Staff should certainly have consulted India first. We are very much concerned with what happens in P.A.I.C. and might have suggested taking P.A.I.C. under India again where it once was. This is a further example of the disregard at home for India, which I have mentioned to you several times already.

[Para. 15, on Lord Wavell's conversation with Lord Reith, omitted.]

16. We are having a difficult time in the Assembly. The Session began on 8th February and during the first three days we were defeated on two Adjournment Motions—one on South Africa, and the other on the use of improper measures to secure the purchase of National Savings Certificates. The South African debate was comparatively restrained and Khare, who replied for Government, was quite sensible. The debate about National Savings Certificates was not on a high level. The Opposition were out to embarrass Government, especially Raisman, and I have no doubt that in this large country subordinate officials have done some very silly things in the course of the savings drive. But this does not alter the vital importance of the drive, and many of the Opposition speeches were quite irresponsible. There was another Adjournment Motion about the proposed grant of war allowances to the Civil Services, directed especially against the members of the Indian Civil Service with pay between Rs. 1,000 and Rs. 2,000 per mensem. We won this, mainly I gather because Raisman undertook to consult the Standing Finance Committee before orders were issued on your decision, and because there was some confusion among the Opposition Whips.

17. Khare was anxious to take the South African case in Council this week, but has been persuaded to postpone it until early in March. A proposal by

[9] No. 213. [10] L/P&J/7/7391. [11] L/P&S/12/2823.

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Raisman that an Estate Duties Bill should be introduced during this Session, and that we should move for its circulation "to elicit public opinion", was turned down after a heated discussion on 19th February. Raisman expected no opposition, as our reference to the Federal Court and reports about the Parliamentary legislation have made everyone expect a Bill, and he had informed Council of his intentions some weeks ago. Introduction and circulation are usually not contentious stages, and the draft Bill put before Council, by Raisman was really little more than a basis for discussion. But, with the exception of Ambedkar, who dislikes capitalists, and Dalal, who is genuinely anxious to show that he means business, all the Indian Members were against Raisman. Some of their arguments were ridiculous, e.g., Firoz, forgetting that no duty will be payable on estates of Rs. 1 lakh or less, said that the Bill would make the poor farmer liable for the house he lives in in his village; and Jogendra Singh contended that new taxation should not be imposed until complete estimates of the expenditure to be met from it have been prepared. The more expert members reserved their opinions on the propriety of imposing estate duty, but said that Government would be defeated on the motion for circulation on the ground that a measure of this kind should come from a National Government and not from the present Executive Council. They also said that the Bill interfered with the practice authorised by Mahomedan Law of creating family trusts with reversion to a charity. I suspect that some of my colleagues were reflecting the views of big business, and there is, I am afraid, a good deal of personal hostility to Raisman. Raisman pointed out that if we mean business about post-war development we cannot avoid imposing new taxation, and that our only proper course is to throw the onus of rejecting a Bill of this kind upon the Legislature. But he failed to move Council and I held the formal decision over until the 20th February. This gave time for reflection, and Council agreed unanimously to Raisman's introducing the Bill without moving for circulation. The effect of this will be to draw attention to, and invite discussion on, the Bill, and we shall be left with the choice of proceeding actively with it or moving formally for its continuance at the next session. Raisman felt that this was very much better than dropping the Bill altogether which Council seemed to want on the 19th. I am letting you know by telegram what the position is. Raisman feels that you have taken a great deal of trouble with the parliamentary legislation during a busy session on the understanding that Council were anxious to get on with the Bill, and that you may find the decision disappointing. It was however obviously the best we could do. Raisman's new taxation proposals were also discussed and approved at the meeting on 20th February.

18. Khare has asked me if there is any possibility of a Pan-African Movement, e.g., the inclusion in the Union of the Rhodesias and the East African

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territories. I know that in the past there has been some feeling in South Africa that the Union should be extended, but I doubt if anyone ever contemplated the inclusion in it of Uganda, Tanganyika and Kenya. In some of his reports to Khare, Shafa'at Ahmed Khan expressed the view that the general hostility to Indian immigrants in the East African territories was not an accident, but was part of a plan concerted with the Union Government. This may have caused Khare's enquiry, and he clearly thinks that any extension of the Union would not be to India's advantage. I shall be grateful for any information you can give me.

Khare also suggested that Eritrea might be handed over to India as a colony, as Indian troops played so large a part in conquering it. There have from time to time been discussions about the possibility of finding some country to which Indians could emigrate without being treated as inferiors. I do not know what His Majesty's Government's ideas are about the future of Eritrea, but I think India could make quite good use of it, and Khare's suggestion seems to me worth consideration.

19. We returned from tour on the evening of 17th February. Mysore, Travancore and Cochin are three most interesting States. The orthodox departmental view about Mysore and Travancore—Cochin is less important—is that behind an impressive façade conditions are not better than average, and certainly not better than those in our own provinces. It is true that in both these States there is much propaganda of a competitive and slightly aggressive kind. One is presented with statistics comparing progress in education, public health, irrigation, and so on with progress in British India, and left to draw the inference that the two States are well ahead. In Mysore this is a legacy from Mirza Ismail, and in Travancore C. P. Ramaswami Aiyar is an expert propagandist. Official publicity invites criticism, and the departmental attitude is perhaps natural. But a State which sets out to run a good administration has certain initial advantages—provided of course that its resources are comparable with those of a British Indian province. The Ruler or his Government can be much more dictatorial than a Provincial Government about such matters as town planning which have a considerable propaganda value. Such revenue as is collected from railways, income-tax, and what would in British India be Central excises, goes straight into the State treasury. The State can also take part in industry in a way which would be considered most unorthodox in British India. Mysore and Travancore seem to have taken full advantage of their opportunities. Bangalore, Mysore City and Trivandrum are attractive and well laid out. The roads are good on the whole, and there is much evidence of hydro-electric and industrial development. The people look prosperous and cheerful, and although on a rapid Viceregal tour one must rely on superficial impressions, I should say that in these two States there is a good deal more than a mere façade.

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His Highness the Maharaja of Mysore is an attractive person, but is handicapped by his excessive bulk, which would be embarrassing to anybody, and must be a great misfortune to a Ruler of only 26. He is interested in art and music, and interferes very little in the administration. He has a competent Council. The Dewan, Mr Madhava Rau, is a promoted Mysore Civil servant and seemed to me to know his business, though a good many people (including Mirza Ismail) think him an unworthy successor to Mirza Ismail. An I.C.S. official from Madras, Pulla Reddy, has just joined as a Member. The Council and Secretariat work at Bangalore, which is the official capital, but the Dewan visits Mysore about once a month to see the Maharaja, to whom papers have to be sent from Bangalore for orders. The State seems to have participated successfully in industry and there is a fine hydro-electric system which is being extended.

Travancore is dominated by C. P. Ramaswami Aiyar. His Highness the Maharaja is not a forceful character, and is much influenced by his mother. I should say that the Government is a good deal less solid than that of Mysore, as it depends on the personality of the Dewan who seems to have a finger in every pie. The people in the fertile coastal belt depend on money crops and had to import a large part of their food from Burma. They went through a bad time when supplies were short and, as you know, I had to make a special effort to send them more rice. The Dewan showed me round his warehouses and rationing arrangements which seemed very good. As most of the people in the coastal strip live in small towns or large villages along the main roads, I saw a good many of them, and they seemed cheerful and comparatively prosperous. The Dewan also showed me something of the public health and scientific research work being done in Trivandrum which seemed quite good. We spent two nights and a day at the Travancore Government's Game sanctuary on the Periyar Lake, which is a most interesting place where one can see bison, wild elephant, sambhur, and other animals from motor boats on the lake. On the way down from the sanctuary to Cochin we stopped a night at Alwaye which is a comparatively new industrial centre. I saw the Aluminium Works there and also the beginnings of a fertiliser factory in which the Dewan is taking great interest. He has entrusted the technical side of this to W. D. Pawley, the promoter of Hindustan Aircraft at Mysore. I was not entirely clear about the economics of the business, nor for that matter about the future of the aluminium concern in which the Travancore Government now have an interest. But the Dewan is shrewd and seems quite satisfied that State investment in these enterprises will be profitable.

We spent two nights at Cochin. His Highness the Maharaja is very old and infirm, and appears little in public. He met us when we arrived and appeared as host at a Garden Party. Otherwise the Dewan, Boag, formerly of Madras, was in charge, and we were shown round part of Old Cochin, the various

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installations on Willingdon Island, and the rationing system. Cochin is very much smaller than Mysore and Travancore, and less polished. But it has had a succession of good Dewans and seemed to me quite well run. I gather that the income from the harbour is a very valuable asset.

PS.—Since paragraph 13 of this letter was typed I have heard that the Select Committee approved our proposals and dropped the idea of amending the standing orders. The Select Committee recommended that a Standing Committee should be attached to the External Affairs Department, but only for tribal affairs and Baluchistan, so we seem to have got more or less what we wanted.

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Field Marshal Viscount Wavell to Sir J. Colville

Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 189–91

TOP SECRET AND PERSONAL *22 February 1945*

In my letter of 22nd January[1] I gave you an account of recent developments in the political situation. Since then I have exchanged several telegrams with Amery about the Desai proposals, the main heads of which were as follows:—

(*i*) Desai and Jinnah should be invited to form an *interim* Government at the Centre.

(*ii*) They should then consult the various groups in the Indian Legislature, and put forward names for inclusion in the Executive Council. The selection of names to be submitted to the Governor-General would be made by the Elected Members of the Legislature, but would not be confined to Members.

(*iii*) Communal proportions within the Council would be settled by agreement. Desai would be accommodating about this (he said that speaking for himself he would agree to equality between Muslims and Hindus with 20% reservation for the rest).

(*iv*) The interim Government would work within the present constitution, but all the Members of the Executive Council except the Governor-General and the Commander-in-Chief would be Indians.

(*v*) There would be no commitments about the long-term solution, that is to say, the Congress would not press their ideas about the new constitution, nor would Jinnah press for the acceptance of Pakistan, as conditions precedent to participation. Consideration of the long-term solution might be easier when the *interim* Government had been

[1] No. 222.

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in office for a year or so, and when the long-term solution was considered all parties would be perfectly free to state their cases as they pleased.

(*vi*) In the Provinces, the Ministries now working would not be interfered with, though there might be adjustments based on party agreements with which His Majesty's Government would not be concerned. Section 93 administrations would be replaced by Coalition Ministries including both Congress and League elements.

(*vii*) There would be no General Elections either at the Centre or in the Provinces.

(*viii*) Detenus would not be released before the formation of the *interim* Central Government. That Government might decide to release them.

Desai claimed that these proposals would have the support of Gandhi with whom he had discussed them; that they were based on informal talks with Liaqat Ali Khan, Jinnah's Deputy in the Assembly; and that if we really wanted a Central Government with political backing we could get it now. He was positive that Jinnah knew of what had passed between him and Liaqat Ali Khan, and approved.

2. I told the Secretary of State that I thought these proposals worth considering, but could not be more definite unless I was authorised to see Jinnah, and later, if necessary, Desai and Jinnah together. The War Cabinet raised a number of points of varying importance. They want to know what guarantee there is that Desai's *interim* Government would support the war effort; whether the intention is to deprive the Governor-General of the right to select his colleagues (they are not prepared to agree to this nor am I, nor ever was, as I made clear to Desai); how far the new Members of Council would be subject to control by their party caucuses; how far the Congress would support Desai; where we stand on the "Quit India" Resolution; how minorities and non-Congress Hindus and non-League Muslims would be provided for; and so on. I clearly could not answer these questions adequately without seeing Jinnah, and later, if he agreed, him and Desai together; and the War Cabinet finally authorised me to do so. But they made it clear that I was not to commit myself (or His Majesty's Government) in any way as to the acceptability or otherwise of the proposals, but was merely to clear up as far as possible the points mentioned above, and say that if Desai and Jinnah put forward a serious suggestion agreed upon by both of them I would transmit it to His Majesty's Government.

3. I received these instructions while I was on tour in the South, and expected to find Jinnah here for the Assembly Session when I returned. Unfortunately he is still in Bombay, and is unlikely to be here until next month (see Symington's telegram to Jenkins No. 3-S of 21st February).[2] I cannot wait until next month, as I have to settle the dates of my journey home. I am clear that I must

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deal with Jinnah, and not with Liaqat Ali Khan, and I do not wish to send for Jinnah specially nor to write to him at length. I shall therefore be grateful if you will see Jinnah for me and speak to him on the following lines:—

Jinnah is aware of Desai's approach to me, about which reports have appeared in the Press. Desai made certain proposals, which he had discussed with Gandhi and later with Liaqat Ali Khan, and which he thought might be acceptable to the Congress and the Muslim League (here you might give the outline under heads (*i*)—(*viii*) in this letter). These proposals are interesting, but there are a good many loose ends, and I had hoped on my return from tour to ascertain from Jinnah how far they were acceptable to him, and whether he thought a discussion between him, Desai, and myself would be worth while. I am not in a position to commit myself as to the acceptability or otherwise of the proposals, but if a serious suggestion agreed upon by Desai and Jinnah were made, I would transmit it to His Majesty's Government. What I want to know now is (*a*) whether Jinnah thinks the proposals worth pursuing at all, and (*b*) if so, whether he could come here as soon as possible for a discussion with Desai and myself. I would be ready to see him alone first, if he wishes. He will appreciate that the matter is most confidential, and, whatever his views, I hope he will keep what you have told him to himself.

4. I do not know if you have had any dealings with Jinnah. I saw him on 6th December, and enclose a copy of a note[3] I made on our talk. His reputation is not very encouraging; he tends to be extremely reasonable in general conversation, but to stand out on technical grounds when it comes to a decision. As he has already denied knowledge of Desai's talks with Liaqat Ali Khan, he may on this occasion run out on the ground that his views have been before India since 1940, and that he is open to an offer but not to negotiations. But I hope he may agree to a discussion with Desai and myself.

5. Will you please ensure that this letter is not seen by anyone but you and your Secretary. It is also important that you should not disclose to Jinnah the fact that I have had a long correspondence with His Majesty's Government and the nature of the War Cabinet's doubts. If you can telegraph the result of your talk with him I shall be grateful.

[2] Wavell Papers, Political Series, April 1944–July 1945, Pt. I, p. 189. [3] No. 138.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 33

IMMEDIATE NEW DELHI, *22 February 1945, 8 pm*
Received: 22 February, 4.30 pm

375-S. Superintendent Series. Your 3991 February 20th.[1] Jinnah is still in Bombay and is not expected here until early March. He is said to be resting under doctor's orders though not actually ill. I have therefore instructed Colville to ascertain (*a*) whether Jinnah thinks Desai's proposals worth pursuing at all and (*b*) if so whether he could come here as soon as possible for discussion with Desai and myself. I have added that I would be willing to see Jinnah alone first if he wishes.

2. Colville has been carefully briefed[2] and will make only preliminary enquiry.

[1] See No. 265, note 2. [2] No. 276.

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Mr Attlee to Mr Amery

L/PO/6/108b: f 76

PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.1,
22 February 1945

My dear Leo,
It occurs to me that it would be a good thing to ask Linlithgow to give evidence before the Committee before we reach conclusions. I think, if you agree, that the appropriate time for this would be after we have considered the various papers which you have put in, and are clear as to what the various alternative courses of action are. We shall get the best results if we give him something specific to which he can speak, and I should be very ready to approach him, on behalf of the Committee, at that stage. Would you let me know whether you agree?

Yours ever,
CLEM

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Mr Butler to Mr Amery

L/PO/6/108b: f 69

MINISTRY OF EDUCATION, 14 BELGRAVE SQUARE, S.W.1,
22 February 1945

Dear Leo,

I note the laconic but shrewd comments on my observations by your Advisers.[1]

I do not think they do justice to the fact that I personally have no desire to see an interim government in India. I would prefer to see the whole matter dealt with at one stroke. The difficulty I am in is that the Indians—that is, political opinion, to which your Advisers refer—appear to turn down any suggestion made to them. If there is, therefore, to be a period in which one is working out better things, it would not appear that they could have everything they want in the interim period. Your Advisers do not suggest how to get over this dilemma.

My general reaction is to go back to the feeling that things will have to go on as they are, within the present Constitution, until some alternative agreement is reached.

Yours ever,
R. A. BUTLER

[1] No. 273, para. 19.

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War Cabinet

India Committee. I (45) 28

R/30/1/5: ff 75–8

INDIA POLICY

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *22 February 1945*

As promised in my memorandum of the 17th February (I. (45) 26),[1] I circulate herewith a note on possible regional groupings prepared by some of my Advisers and Officials in accordance with the desire of the Chancellor of the Exchequer (item 2 of the Appendix to I. (45) 5).[2] The note is admittedly

[1] No. 271. [2] No. 188.

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incomplete, and I should not wish to be regarded as in any way committed to the suitability of the alternative scheme of regional grouping here proposed, which would obviously require careful expert examination in India. I have, however, thought it undesirable to delay its circulation pending examination of the problem of the division of subjects between the Centre, the Regions and the Units, on which I hope to circulate a supplementary note later.

L. S. A.

NOTE

REGIONAL GROUPINGS

The Chancellor of the Exchequer has also asked for an examination of possible variants of the Coupland scheme with regard to possible regional groupings. The following note assumes acceptance of the principle of regionalism; whether it is in fact practicable or desirable is a matter for separate examination and would, indeed, necessitate elaborate enquiry.

2. The Coupland Scheme, which is described by the author in the extract from his own summary, reproduced as Appendix I, appears to aim at three objectives:—

(1) To secure the acceptance of the Moslems by giving them half the representation at the Centre, the Centre itself being strictly limited in its functions to a few essential subjects and administering those subjects as agent of the regions.
(2) To work the States into the fabric of a United India.
(3) To develop a sense of common interest within each region sufficiently strong to make it wholly viable in itself.

3. It is to be assumed that any variant of the Coupland scheme must be such as to secure the acceptance of the Moslems, and must effectively associate the States, while it is, at any rate, desirable to gain the third objective. Consideration of the conditions in which a sense of common interest might be built up has made clear the need for a more detailed enquiry into the division of subjects between the Centre, the Regions and the individual Units, and it is hoped to deal with this side of the problem in a supplementary note. The present note is concerned only with the first two of the objectives.

4. As regards the first objective, however desirable a strong central Government would be (and recent factors, such as war-time needs, the famine of 1943, and the whole operation of reconstruction planning, emphasise its desirability), it seems clear that in their present mood the Moslems would never submit to it. The best one can hope is that experience will induce the units to surrender to the Centre in the common interest some of the powers which may at first be allotted to them. But it does not seem necessarily to

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follow that in order to gain Moslem acceptance Moslems should be given half the representation at the Centre. Indeed, it may be pointed out that this, if as intended, is not a necessary consequence of Coupland's scheme, for, unless the election of members in the Central Legislature were reserved to the majority groups in each of the four Regions, it would seem probable that the minority as well as the majority groups in each Region would be represented as the result of the elections, with the consequence that the Hindus would obtain a majority representation at the Centre. (Incidentally, Coupland's suggestion in p. 134 of Part III that all the representatives of a particular Region in the Central Legislature would vote together on any important issue seems highly debatable.) It does not seem essential for the success of any scheme that the number of units with a Moslem majority should be the same as those with a Hindu majority. No such provision was made in the regional scheme of Sir Sikander Hyat Khan (Coupland, III. p. 114), which proposed a division into seven regions, only two of which were predominantly Moslem. And Sir Muhammad Zafrullah Khan (in a memorandum circulated separately to the Committee in Paper I. (45) 24)[3] would seem to be content with 13 Hindu units and 7 Moslem units in a scheme which discards regionalism and is based on the existing Provinces and eight groups of States. The latter also supposes that the Moslems would be content with 40 per cent. of the defence services and half of the other federal services provided that half of the Federal Ministry (and of the Supreme Court) were Moslem. If something on these lines would really satisfy the Moslems it should be possible to devise better regional groupings than Coupland's.

5. As regards the second objective, the arguments against a separate States Union (*cf.* Coupland III, pp. 140–4) are conclusive and any claims which the States may prefer on this score may be safely regarded only as a bargaining factor. Their ultimate incorporation within a single Indian Union is indispensable. It may be noted here that this process must (as contemplated by Coupland) involve the replacement of their basic treaties by constitutional guarantees and may also involve a drastic scrutiny and possibly overhauling of their treaties and agreements in fiscal and other economic matters. It will be incumbent on His Majesty's Government to give them the fullest support in securing fair and reasonable treatment of their existing rights.

6. The need for bringing in the States raises the question of the functions which should be allotted to the regional Legislatures and executives. The answer seems to be, those which the States would consent to surrender other than the functions reserved to the Centre. And this again to some extent controls the possible grouping; for presumably the States would be prepared to surrender more to regions framed so as to give them an effective say in

[3] No. 266.

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regional policy. Broadly speaking it follows from this that the Regions should be smaller and so more numerous than the four proposed by Coupland. It is a defect of the latter's scheme that it lumps into the same Region States which are widely disparate in their traditions and economy; the Deccan Region comprises States so different and so far apart as Cutch and Cochin.

7. The annexed table (Appendix II) contains a suggested division of the whole of India into nine Regions. In most Regions the existing boundaries of both Provinces and States are respected; modification of provincial boundaries may come about in time, but it is undesirable to embark on so controversial an undertaking at the outset. In the case of the Central Provinces, however, in which centrifugal tendencies are already apparent, it is suggested that the Chattisgarh Division should for regional purposes be included in group 5, in which it is geographically embedded, and not in group 4. But the division of the Province for regional purposes need not necessarily prevent its continued administration as a single unit in purely provincial matters. In the case of Baroda also it is suggested that the main area of the State should be included in group 3 and its outlying territories in Kathiawar included in group 2.

8. Apart from the interests of India as a whole, the scheme envisaged would be greatly in the interests of the smaller States. It harmonises in fact with the policy which is now emerging of improving their prospects of survival by associating their administration with those of their stronger neighbours. In the reasonably small regions here suggested the process of association in regional matters should create an atmosphere favourable to the development of this policy.

9. In the composition of the nine Regions the importance of communications has been kept in mind. It will be observed that there are considerable differences between the Regions in respect both of area and population, but this unevenness is inevitable if due regard is to be paid to the existing provincial boundaries and to the natural affinities of States. It will also be noted that in only two of the nine Regions do the Moslems form a majority of the population and therefore that only three (including Hyderabad by reason of its present Moslem dynasty and Government) may be expected to have a Moslem majority in their representation at the Centre. In principle it is desirable that all nine Regions should be represented by the same number of persons in the Central legislature; but if Moslem acceptance of the scheme could not otherwise be secured it might be possible to give some weightage to the three "Moslem" Units or to Moslems generally. Possibly other expedients would be better and more acceptable to the Moslems. This note does not attempt to deal with the admittedly intricate problem of how Moslem acceptance can best be secured.

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10. Other schemes for regional distribution have been or might be drawn up, but it is presumably not desired that the matter should be further elaborated in the present context.

APPENDIX I

[*There follow paras. 10–18 of pp. 182–3 of Sir R. Coupland's* A Report on the Constitutional Problem in India, *Part III:* The Future of India (*London, Oxford University Press, 1943*).]

APPENDIX II

SUGGESTED ALTERNATIVE—REGIONAL GROUPING

Group	Composition (capital in brackets)	Area (in thousand square miles)	Total Population (roughly in millions)	Population (millions) and percentage of Moslems	
					%
1	Kashmir, Chitral, &c., Punjab and Punjab States, N.W.F.P., Sind, Baluchistan. (Lahore)	433	45	28 (Sikhs 5½, 8%)	64
2	Rajputana and Western India States (not including Baroda). (Ajmer)	170	19	2	11
3	Bombay, Baroda, Gujarat and Deccan States. (Bombay) ..	105	28	2	8
4	Western Central India, Gwalior, Central Provinces (less Chattisgarh Division) and Berar. (Indore or Pachmarhi) ..	110	18	1	6
5	Eastern States (less Bengal States), Eastern Central India, Central Provinces (Chattisgarh Division) and Orissa. (Raipur)	168	25	1	4
6	United Provinces, Bihar, Rampur and Benares. (Allahabad) ..	178	92	13	14
7	Hyderabad. (Hyderabad) ..	83	16	2	12
8	Madras, Coorg, Mysore, Travancore, Cochin, and other Madras States. (Madras or Ootacamund)	167	63	5	8
9	Bengal, Assam, Assam and Bengal States (less Mayurbhanj). (Calcutta)	150	72	37	52

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *22 February 1945*
Received: 28 February

I am hoping to get the Prime Minister to agree to your coming back at the middle of March, or even just before, in view of the fact that Easter falls at the end of the month and Ministers have a disconcerting habit of scattering at that moment. I have not heard from him yet, but hope to be able to telegraph in the next few days. I have just managed to extract from him his agreement to Hope's extension and have written at once to the Palace who, I trust, will agree, so that you should have my telegram in the next day or two.

2. Our reply on the question of recruitment to the Civil Service is, I think, going out to you with this mail.[1] I confess I agreed with my Advisers in preferring the lump sum retirement grant instead of proportionate pension. In humbler walks of life there is, I know, much to be said for not giving lump sums which are then dissipated, leaving the man penniless for the rest of his days. But I think we can assume in the case of men of the I.C.S. type that they will not be necessarily taken in by every get-rich-quick scheme, while on the other hand it may be a great advantage to them if they wish to settle on the land or take up business at home. No doubt many of the more cautious will of their own convert their allowance into an annuity or at any rate invest it in something reasonably gilt-edged.

3. What I confess has worried me about this business, and it is a matter on which there is no difference between my Advisers and your Government, is the idea that, on the inception of a new Government of India, the Secretary of State's Services should be regarded as terminated, leaving it to those concerned if they are willing to continue, to be taken on by a new Government, if it wants them, on whatever terms it thinks suitable. I quite realise that a change of Government such as is contemplated should afford members of the Services who feel that the whole situation has changed an opportunity of retiring before the end of their service if they find things intolerable. Equally, I think, a new Government should not be compelled to carry on to full pensionable service men who join now, and should have the right at its own discretion to terminate their service on fair compensation. But I do dislike the idea that there should be a complete break at the moment of transfer of authority, with all the risk, on the one hand, that members of the services will go for the cash rather than face an uncertain future, and, on the other, that the new Government will be tempted to clear out as many as possible at once in order to find

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places for their friends. The danger to the efficiency of the administration is surely a pretty serious one. What I should have liked to have seen is that the assumption on which we work is that these men serve on, as servants of India, irrespective of any change in the political direction, just as the Civil Service serves on here in the event of a political change, subject always to the facilities on both sides that I have just mentioned, but with the onus of either the individual or the Government making a change thrown upon those concerned instead of the matter being treated as one of automatic termination of service, which seems to me almost to emphasise the fact that the Services do not regard themselves as the servants of India but as the servants of an external authority.

4. I fully realise that no other solution may have been possible in view of the fact that the Treasury here have not been prepared to guarantee the rates of this Civil Service. This is not entirely unnatural as a guarantee might very promptly be taken by the Indian Government as an admission of responsibility and therefore justifying them in disclaiming it. Still, I should have thought that the matter might have been made an integral part of the treaty arrangements preceding transfer. As it is I think the only thing we can do is to encourage on both sides the idea of continuity making it clear to the Services that we hope they will continue on the new terms and impressing on Indian politicians the advantage of continuity in administration at any rate for the first few years. Possibly too if things go well the transfer of authority might be preceded by some new agreement covering the whole subject.

5. We had a Cabinet Food Grains Committee this morning.[2] Leathers has come back from the Crimea Conference overwhelmed by his shipping difficulties and does not know where to turn for the next few months. He says that it is quite impossible for him to find 70,000 tons a month from anywhere during these months and that the most he can do is to continue shipping about 40,000 tons a month as "flatting" with military cargo. He may be able to do better after the middle of the year but simply daren't commit himself. This is very disappointing, but he is genuinely anxious to be helpful, and I can assure you that I have not let either the military case or the inflation case for food imports go by default. In these circumstances there is obviously no advantage in making a statement which at best would have to be pretty vague. All you could do if questions are asked in the Assembly is to state the amount received up to the end of the year or to whatever past date is convenient, and add that imports are coming in continuously but that their quantity from month to month must depend on the urgency of military operations which are now at their peak. It might even be possible to suggest that as the stuff is coming with military cargoes it would not do to mention precise monthly quantities. Leathers is

[1] Dated 22 February 1945. L/S&G/7/262: ff 198–9.
[2] The Minutes of this Meeting (I.F.R. (45) 1st Meeting) are on L/E/8/3325: ff 3–7.

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fully seized of the psychological importance of continuous arrivals and will not let us down so far as that is concerned. I can only hope that with your greatly improved organisation and with the Punjab wheat crop coming in in the spring, not to speak of Allied successes in every theatre of war, public confidence in India will be sustained at [? so] that you may successfully tide through the next few months.

6. We also discussed the separate issue of a possible short-term loan of rice from Bengal to Ceylon to be repaid in rice if possible, but failing that in wheat. I know that was not regarded as possible a year ago,[3] but the situation is so much better today that I hope it may be possible to do something of the sort, more particularly as there is the danger of rice deteriorating in Bengal for lack of proper storage facilities. I won't say more on this food question for you will be getting my full telegram in the next day or two.

7. I have just telegraphed to you[4] about the World Organisation Conference at San Francisco on April 25th and the proposed preliminary Commonwealth Conference on the subject at the middle of March. Zafrulla expressed to me the hope that he might be considered for the former (the latter he is not yet aware of) on the ground of his interest in constitutional problems. No doubt he would be quite a useful member, and his being here up to the meeting of the Commonwealth Conference would be convenient. On the other hand, I gather that Spens is very anxious to have him back by the 17th, and you will want in any case to send someone, I imagine, from your Executive, so that Zafrulla would only be an additional member. His idea was that if he attended the San Francisco Conference at the end of April he might do useful work, as he did two years ago, making his way back slowly across the States, and talk quietly to influential people about the Indian situation.

8. Personally, I think this World Organisation scheme, like the League of Nations before it, is more likely to be a menace than a guarantee of the peace of the world. Its whole conception is idealistic and legalistic and how that is to be reconciled with the start which is being made in Poland, Roumania, Yugoslavia, etc., or with Russia's attitude in Persia and what we know the Russians' future policy is likely to be, passes my comprehension. In any case an organisation of this sort based upon voting power and involving obligations consequent on a vote, means that the whole object of the business will be subordinated to discussions on voting power, intrigues to get on the Council and all the rest of it. Then, when an issue arises, the main effort of everybody concerned will be to postpone and avert decisions, thus making it far more difficult for powers who would otherwise act to meet a growing danger to do anything. My own view always has been that the only function of such an organisation is conciliation and the focussing of what one might call world

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public opinion. This would strengthen the hands of those who wish to act together against any danger of aggression, but would not tie them down to waiting for Council decisions. If in the case of Italy and Abyssinia we and France, in the light of the general moral feeling against Italy, had by the ordinary diplomatic procedure told Italy that we would not allow annexation but might agree to some reasonable scheme for an Italian sphere of influence in the essentially non-Amhara provinces the whole of the present world disaster might have been averted.

Meanwhile, it may not have escaped your notice—as it certainly has not escaped the notice of the American press—that the Conference is convened for April the 25th, the last date up to which Russia is committed to neutrality against Japan. If that does mean the intention on Russia's part is to put an end to neutrality in a dramatic fashion it should certainly help to hasten the end of the war. On the other hand, if Stalin should stipulate for Manchuria or Port Arthur, it will add yet one more point to my argument about the unreality of an idealistic world organisation started off on the basis of sheer power politics.

9. Winston has really had a terrific tour, what with the Yalta Conference, the absolutely tumultuous reception in Athens, junkettings with Haile Sellassie, King Farouk, Ibn Saud and the Syrian President. He doesn't look a bit exhausted and will no doubt deliver a great oration to the House of Commons next Tuesday. All the same, Members are by no means happy about Poland or even Yugoslavia. The general feeling no doubt is that we have done the best we could and that it was no use quarrelling with Stalin over issues where we are impotent to affect the decision. But public opinion won't like it all the same.

10. I have just received your letter of the 11th[5] from Trivandrum (or rather the duplicate). I entirely agree with your general summary of what you have in mind in connection with the Desai proposals. I also agree that anything of the kind that I have urged would be much easier to put into effect if the Executive, though not in the technical sense responsible to the Legislature, still did represent political public opinion over a wide field. Indeed, if your scheme goes through it will be much easier, and indeed would follow almost automatically, to advance rapidly on the road to complete non-interference from here. The present situation is to my mind absolutely unreal. The whole assumption of questions and debates in Parliament are that I am responsible for the detailed government of India and every week I am questioned about matters which I really know nothing about, and ought not to know anything about. The thing is so largely a sham, but an irritating sham, and forms the excuse for endless talk about oppression or even, to quote Mrs. Pandit, about India

[3] See Vol. IV, Nos. 422, 426, and 430.
[4] Tels. 4182 and 130 of 21 and 22 February. L/E/9/1525. [5] No. 259.

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being one vast concentration camp. One of these days, more particularly if your proposals go through, I will take the opportunity of telling the House frankly what the real situation is.

[Para. 11, on the promotion of physical training in India; para 12, on ensuring that Army newspapers in India do not support any one party on political issues; and para. 13, on War Allowances for Civil Servants, omitted.]

14. I had a talk the other day with Maharaj Singh, who spoke rather sadly of the frustration of those who like himself had taken an active part in public affairs and were now under Section 93, completely cut off from all public work. He suggested that if nothing could be done at the Centre just yet it ought to be possible to do something in the Provinces, and not stereotype for most of India a purely emergency situation which put the clock back, not merely behind 1919, but to somewhere in the 1860s. He suggested that either minority Ministries or a revival of the Executive Council system would be far better than the present state of affairs and give at any rate a ray of hope.

I think there may be a good deal in what he says. As you know I regard the Executive Council system as in any case the only type of Government suited to India, though it might of course be modified in the direction of the Swiss Constitution (or indeed of your own proposals for the Centre) by the selection, or even the election of political party leaders to the Executive. The important thing is that the Executive should be independent for its term of office. I am by no means sure that the revival of Executive Councils in the Congress Provinces might not be the best thing and might indeed enable some Congress moderates to join in. At the same time it would make it impossible for Congress members by returning to the Legislature to upset the Government. I do feel that we cannot go on indefinitely with unmodified Section 93 government.

In that connection there is the possibility of in fact restoring government of the Executive Council type under Section 93. There is nothing in the Section which precludes Section 93 being enforced only in part, and, in connection with Burma, we are at this moment asking the opinion of the Law Officers as to whether it might not be possible, under the mere prolongation of the corresponding Burma Section, to introduce in fact an Executive Council system and even subsequently to modify it still further by election to the Council from the Legislature on Swiss lines. I have just heard the L.Os. think not,[6] so don't bother about the idea which, however, was put up by Simon and Cripps!

[6] The Law Officers' opinion on the interpretation of Section 139 of the Government of Burma Act was circulated by Mr Amery in India Committee Paper I (45) 31 of 26 February, a copy of which is on L/PO/9/8.

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Mr Amery to Mr Attlee

L/PO/6/108b: f 75

INDIA OFFICE, *23 February 1945*

My dear Clem,

I think it would be quite a good idea to ask Linlithgow to give his views to the Committee[1] when we are a little more definite ourselves. I leave it to you to judge when you think that point has arrived.

We cannot of course reach any very definite conclusions before we have heard Wavell, at any rate on his own particular line of advance.

I understand a meeting is fixed for Wednesday evening at 9.30, and I gather that you will want me to expound the thesis of my main paper[2] on that occasion. I shall assume that is so unless you tell me to the contrary.

Yours ever,

L. S. AMERY

[1] See No. 278. [2] No. 184.

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Sir J. Colville (Bombay) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt. I, pp. 192–3

MOST IMMEDIATE *24 February 1945*

SECRET

No. 170/C. Your letter No. 592/20, dated 22nd February.[1] I had two hours talk with Jinnah this morning on the lines indicated in your letter, with results as follows:—

2. Jinnah was emphatic that any impression that there had been authorised discussion between Desai and Liaqat is entirely false. Liaqat had no authority to negotiate and has rightly issued a denial. Jinnah said he received a shock when he read in the Press that has [? his] name was coupled with these supposed talks. Desai has no authority to make any suggestion to you regarding the attitude of the League. At close of interview Jinnah returned to this point and re-emphasised that there had been a misunderstanding, and that Desai was wrong in suggesting that Jinnah in any way sponsored the move. Jinnah said that my communicating the points in your letter to him was the first approach to him in the matter. He said "this conversation is the starting point".

[1] No. 276.

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3. Jinnah is reaching Delhi on 6th and would be glad to meet you and discuss the matter. He would like to be given a date and time and would then call a meeting of League Committee to be held in Delhi immediately after his interview with you. Since a meeting is due in any case, this could be done without attracting attention. He would lay the matter before the League Committee and return and tell you the result.

4. I asked him several times if he could not go to Delhi earlier but he consistently refused on grounds of health, and I doubt if he can be shaken on this. My own impression is that he is exaggerating his unfitness.

5. This afternoon he asked to be given a note embodying Desai's 8 points. I await your instructions whether this should be handed to him or not. I made it very clear to him that these are suggestions by Desai and do not in any way represent His Majesty's Government's or any official views.

6. My general impression after this long interview is that Jinnah is not (repeat not) altogether averse to suggestions put forward though he did not commit himself and described them as not new.

7. I am leaving for Poona this afternoon and return here on Tuesday morning. Symington will remain in Bombay and can pass any message. In particular, if authorised by Jenkins, he will send Jinnah copy of Desai's 8 points referred to in paragraph 5 above.

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War Cabinet

India Committee. Paper I (45) 29

L/PO/6/108b: ff 72–4

India Policy

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *24 February 1945*

I circulate the supplementary note on regionalism promised in my memorandum of the 22nd February (I. (45) 28).[1]

L.S.A.

REGIONALISM

The examination, in compliance with the suggestion of the Chancellor of the Exchequer, of possible variants of the regional grouping proposed in Sir Reginald Coupland's scheme has served to bring out the inadequacy of the

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author's exposition and the need for a much fuller enquiry into the legislative powers and executive functions essential for a Regional Government and into the sources of revenue from which its expenditure might be met. This in turn has led to a more fundamental doubt whether regionalism offers a practical solution of the Indian problem. A proper investigation of these matters would need a long and exhaustive enquiry, almost on the scale of a Royal Commission. It is remarkable, and perhaps significant of its lack of appeal to Indian opinion, that no serious criticism of the Coupland scheme has yet come to notice from any quarter in India. The comments offered below are therefore made in the absence of any clue to Indian opinion and as the result of a necessarily brief examination.

2. Sir R. Coupland has himself mentioned (Part III, page 124) certain possible objections to his scheme, without giving a convincing answer thereto. The following are felt to be serious difficulties raised by any regional scheme or by that of Coupland in particular:—

A. *The Weak Centre.*—This is admittedly not peculiar to Regionalism for it is a prominent feature of the views of those Moslems who do not advocate the extreme doctrine of "Pakistan" that the Centre must have very limited powers and that the fullest possible authority should be given to the Provinces. Any scheme of regionalism necessitates the subtraction of some powers from the Centre, and the Coupland scheme is notable for its advocacy (in deference to Moslem opinion) of a weak "Agency" Centre. But—

(*a*) a weak Centre is indeed fatally weak when confronted with an emergency whether it arises from war, rebellion, or famine, or other external or internal cause. Even the course of the present war has shown how handicapped the Centre can or might be in the absence of adequate powers of co-ordination and control over the Provinces. The necessary powers could of course be secured from the units in the event of a grave emergency. But would these be effective in the absence of experienced and efficient services through whom they could be exercised?

(*b*) The assumption of international obligations appears to involve a wide range of Central functions, in respect both of matters in which individual foreign countries may be affected and those domestic matters (labour and the like) to which an internationally accepted standard of morality or practice has become applicable. It would hardly be consistent with India's nominal unity (cf. Coupland's footnote on page 128) for the Regions to subscribe to international conventions otherwise than through the Centre, and the latter would therefore be held responsible by the world at large for securing uniformity as between the Regions in

[1] No. 280.

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such matters as opium production and export, labour and factory conditions, postal conventions, &c.

(*c*) A weak Centre would undoubtedly handicap the development of a planned economy, to which so much thought is being given in India at present.

B. *Personnel.*—The creation of a third type of administrative unit between the Centre and the Provinces is likely at any rate at the outset to impose an excessive drain on the available administrative talent.

C. *Probable Opposition of the Units.*—The list of regional subjects given by Coupland after Sikander Hyat Khan (page 115) would leave the Regions with no very effective field of functions unless they encroached on the Provincial sphere. It seems to be of the essence of Coupland's riverine scheme—in spite of his statement (page 124) that it is common ground that the autonomy of Provinces and States should be respected—that they should so encroach, for example in respect of irrigation and water power, agricultural development and forest conservation. Both Provinces and States are likely to resist such intrusion on their autonomy.

Moreover, the transfer to the Regions of the functions of the Provinces in the sphere of concurrent legislation, which Coupland states to be a feature of his model, the scheme of Sikander Hyat Khan, would be another serious blow to Provincial pride and patriotism.

It should be added, however, that in the case of a regional scheme comprising regions smaller than those suggested by Coupland the foregoing objections would be weaker, since the Provinces and States would then be more ready to transfer powers to the common regional authority.

D. *Finance.*—Coupland's treatment of this important aspect of any constitutional scheme is curiously inadequate. It is not clear how his Regions are to be financed. There is practically no money in the concurrent subjects and none in those attributed to Sikander on page 115—unless the thoroughly retrograde step were taken of imposing a new system of internal customs between the Regions. Research, archæology and the like would be solely spending Departments, and it is not to be expected that States and Provinces would place at the disposal of the Regions such revenues as they derive from forests and irrigation. (Actually Sikander did include Excises and Salt in his list of Regional subjects; but the practicability of this, in the case at any rate of Salt, is doubtful.)

With regard also to the finances of the Centre there are difficulties in Coupland's suggestions. For example, he speaks (page 127) of deficiencies being made good by "contributions from the Regions" without explaining how the latter are to be provided for. His hope (page 127) that defence will be paid for from customs seems very doubtful, not only because of the rising cost of defence, but also in view of the risk of diminishing returns from customs as

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the result of changes in economic policy. As for excises, it may be doubted whether a weak Centre could maintain effective control over their collection or whether the States would surrender their vested interests in them. The more promising items of salt, income tax, corporation tax, are not mentioned by Coupland.

In paragraph B (*b*) of the first Appendix there will be found a plan to provide the Regions with sources of revenue from which they would be enabled not only to meet their own expenditure but also to comply with demands for contributions to the Centre. It is, however, by no means certain that the States would agree to the levy of income tax by the Regions; and the history of financial settlements between the Centre and the Provinces suggests that one of the most difficult problems in any regional scheme would be the regulation of the financial relations between the Centre, the Regions and the Provinces and States.

3. The object aimed at in the first appendix has been, with as much fairness to regionalism as seems possible, to reallocate between Centre, Regions and Units the legislative subjects listed in the Seventh Schedule to the Government of India Act. The attempt is necessarily sketchy, and the listing of items as Regional is often debatable, but even so a considerable extension of the Central field as compared with Coupland's scheme has been found inevitable.

4. In the note circulated as Paper I (45) 28 an attempt was made to work out an alternative scheme of regional distribution which might among other things be more attractive to the States and offer better chances of stability and cohesion in the groups. It has to be admitted, however, that this alternative scheme is open to the criticisms—

(i) that the Regions are poorer and weaker than Coupland's (compare his remarks on page 129 on the characteristics of his four Regions).
(ii) that it does not go so far as Coupland's scheme towards solving the communal question as regards representation at the Centre; and
(iii) that the nine Regions are less uniform in size and population.

5. Against these criticisms it may be pointed out—

(i) that the nine Regions are much more homogeneous and therefore more likely to develop into living organisms on the basis of community of essential local interests;
(ii) that the scheme does at any rate endeavour to preserve Coupland's main and essential panacea of a weak Agency Centre; there remains also the possible reservation for Moslems of a substantial proportion of posts in the Central Executive and Courts; and
(iii) so far at any rate as the grouping is concerned the alternative scheme should have the very important advantage of being more attractive to

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the States, whose association in the Regions would be indispensable, whereas they are highly unlikely ever to join in any all-India scheme without the inducement of a substantial weightage such as they succeeded in obtaining in the 1935 Act. Moreover, the suggested grouping in small homogeneous areas offers the very considerable advantage of overcoming Coupland's objection (cf. p. 131) to persons being members of more than one legislature; in the comparatively small areas there should be no difficulty in the Regional legislatures and Ministries being composed of delegations from the Provincial legislatures or the legislatures or high officials of the States. Incidentally, provision would be required for a head of the Regional authority corresponding to the Governor of a Province; here, too, it is unnecessary for the incumbent to be excluded from holding a separate office and the Regional head might be the head of the largest unit or found by some process of alternation among the units.

6. The results of this further examination, having regard to the numerous practical difficulties which it has brought out and in particular to the inroads on the autonomy of Provinces and States which regionalism would involve, point to the rashness of predicting a favourable reception anywhere in India for any regional scheme. In spite of Coupland's references (p. 124) to Alexander Hamilton the more fruitful line of progress appears to lie in the direction of consultative co-operation. Statutory provision is already made for this in Section 135 of the Government of India Act (Appendix II), which indeed contains the germ of the idea of regionalism, though no powers are assigned thereunder to the Council which it envisages. The machinery provided by Section 135 would enable Councils to be set up representative of two or more Provinces or States—or indeed of all the Federal units, as in the All-India Consultative Council, the establishment of which, as recommended by the Statutory Commission, was suggested by the Secretary of State in his memorandum of the 5th January (pp. 6 and 7 of Paper I (45) 4).[2]

APPENDIX I

DISTRIBUTION OF SUBJECTS BETWEEN CENTRE, REGIONS AND UNITS

The Seventh Schedule of the Government of India Act, 1935, contains a detailed division (now in operation) of legislative "subjects" into three lists, according as they are allocated to the Centre or to the Provinces or are concurrent. An examination of the items with a view to their reallocation (on their individual merits and with regard to the probable attitude of Provinces and States), between the Centre, Regions and Units appears to yield the results

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given below. It is impossible, however, to make the reallocation with any degree of precision without fuller knowledge of the new constitutional set-up to which it would apply, and in particular of the financial settlement which would have to be worked out between the parties. It seems eminently desirable that the residuary field should be allocated to the *Regions*; and that the allocation of a doubtful item to the Centre should not be made if it is likely to be a source of communal animosity. In the result, a wider range of powers is given to the Centre than is contemplated by Coupland (or Sikander Hyat Khan), and more precision is given to the Regional list.

A. *The Centre.*—It is suggested that the following items of List I (the Federal List) should be reserved to the Centre: 1–6, 7 (partially), 8–10, 14, 16, 17, 19, 20, 23, 24 (partially), 26 (partially), 27 (partially), 28, 31, 33, 35 (partially), 37, 38, 40–44, 47, 49–53, 55–59. (The institutions covered by items 11–13 would be better administered by a statutory authority created by the Centre, a Government subsidy being, however, made to them).

B. *The Regions.*—(Items enumerated in Seventh Schedule, List I.)

(*a*) Miscellaneous items—

8. Public Services Commissions.
10. Regional works and buildings.
15. Ancient monuments, &c.
39. Powers and jurisdiction of police outside units.

18. Port quarantine.
21. Maritime shipping.
22. Major ports.
25. Lighthouses.

29. Arms, &c.
30. Explosives.
32. Petroleum.
36. Mines, oilfields, mineral development.
34. Development of industries (particularly because the States would strongly resist central control).

(*b*) Tax items—

45 (Excises), 46 (Corporation tax) and 54 and 54A (Income Tax)—but subject (*a*) to the obligation to contribute to the needs of the Centre, and (*b*) to the obligation to maintain uniformity with other Regions.

Also 48 (State lotteries) and possibly item 48A of List II so far as covering taxation of public vehicles using Regional roads.

[2] i.e. No. 184, pp. 373–4 and 375 in this volume.

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(*c*) Items concurrent with the Centre.

The following items are or may be the subject of international obligations accepted by India and in their international aspect should be within the legislative authority of the Centre: otherwise they might be Regional:—

7. Posts, &c., broadcasting, &c.
24. Air navigation, aerodromes.
26. Carriage of persons and goods by sea or air.
27. Copyright, trademarks, &c.
35. Regulation of labour, &c., in mines and oilfields.

(*d*) In addition to the foregoing there are certain items in the Provincial List (List II) which it would be desirable to "regionalise" but which it would probably be necessary to leave with the units initially in the hope that later the Provinces and (particularly) the States would agree to transfer them to the Regional authority. They are—

18. Communications.
19. Water supplies, irrigation, &c.
20. Agriculture, &c.
22. Forests.

C. *The Units.*—The Present Provincial List (subject to (*d*) immediately above).

D. *The Concurrent List.*—This would need readjustment and probably there would have to be four concurrent lists in all, viz.:—

(i) Centre and Regions—
The items of the Federal List mentioned in **B** (*c*) above.

(ii) Centre and Units (Province or State)—
The items 1, 2, 6–23, 33–36 of the present Concurrent List (List III).

(iii) A three-tiered list for Centre, Regions and Units—
Items 4, 5, 24, 25, 30, 32 of the present List III.
Also items 26–29 of List III in so far as affected by international obligations.

(iv) Regions and Units—
Items 3 and 31 of List III, and items 26–29 (subject to iii).

APPENDIX II

SECTION 135 OF THE GOVERNMENT OF INDIA ACT, 1935

Inter-Provincial Co-operation

135. If at any time it appears to His Majesty upon consideration of representations addressed to him by the Governor-General that the public interests

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would be served by the establishment of an Inter-Provincial Council charged with the duty of—

(*a*) inquiring into and advising upon disputes which may have arisen between Provinces;

(*b*) investigating and discussing subjects in which some or all of the Provinces, or the Federation and one or more of the Provinces, have a common interest; or

(*c*) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject,

it shall be lawful for His Majesty in Council to establish such a Council, and to define the nature of the duties to be performed by it and its organisation and procedure.

An Order establishing any such Council may make provision for representatives of Indian States to participate in the work of the Council.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/635: f 10

IMPORTANT NEW DELHI, *25 February 1945, 7.15 pm*
SECRET *Received: 25 February, 4.30 pm*

395-S. In recent fortnightly letters Governor(?s have) mentioned increased Congress activities. Following is brief appreciation.[1]

2. Since July 1944 Gandhi has emphasised importance of so called "constructive programme". This is the familiar plan for rural uplift and development in accordance with Gandhi's economic ideas. The main instruments for its execution are the All India Spinners Association, the All India Village Industries Association, the Kasturba Gandhi Memorial Fund and provincial bodies established to replace the old Congress committees.

3. In October provincial bodies were established in the United Provinces and Bombay, which were really the old Congress committees under new names. At the end of October Gandhi published "hints for workers on constructive programme" which made it clear that programme was required as training for civil resistance. Developments in various provinces and a pamphlet issued in Bombay by former secretary of banned Provincial Congress Committee confirmed that, whatever the short term purpose, the ultimate object was to prepare the ground for a further conflict with the authorities.

[1] See No. 268.

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4. By the end of 1944 the revival had spread to all provinces with possible exception of Bengal, the Punjab and Sind. On December 20th Home Department instructed all provinces that while Government of India did not recommend the immediate renewal of action against Congress, situation must be carefully watched and if Congress leaders appeared to be working up to a conflict with Government, they should be warned informally that their activities were or would be declared unlawful. Provinces were also advised that if further action had to be taken detention under Ordinance III of 1944 might be more effective than prosecutions.

5. So far there has been little enthusiasm and no disposition to provoke a conflict. Early this year five Congress leaders in Bihar were concerned in an objectionable meeting and were at once restricted to their villages. The Governor has since found it possible to suspend the restrictive order. One leader was arrested in the United Province for a speech subsequently found not to be actionable; a meeting was prohibited in the Central Province; and there have been a few arrests there and elsewhere.

6. On past form it is clear that Congress will try to re-establish their influence with a view both to general elections and to possibility of further anti-Government agitation. But country is very quiet and it has been made clear that breaches of the law will not be tolerated. There is at present no serious threat to law and order.

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Sir E. Jenkins to Mr Symington (Bombay)

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt. I, p. 193

IMMEDIATE *25 February 1945*

SECRET

No. 396–S. For Governor from Viceroy. Your No. 170–C of 24th February.[1] Many thanks for your prompt action. Jinnah seems to be trying to commit me to negotiations with him and through him with League Committee as though the proposals came from me and not from Desai, and Desai were not directly concerned. I cannot agree to this and must see Jinnah alone before he makes any move with League.

2. Symington should therefore inform Jinnah orally that you have reported to me the result of his talk with you; and that the first step must be for him to see me soon after he arrives in Delhi. The proposals you mentioned to him came from Desai and not (repeat not) (?) from me, and to avoid all possibility

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of misunderstanding I trust he will not summon League Committee or discuss them with third parties. I appreciate his wish to have copy of heads of proposals, but as Desai gave me nothing in writing I feel it would be unfair to treat as authoritative my private record of the main points taken in a long conversation. As Jinnah himself says the general idea of Desai's proposals is not new. Symington might add polite enquiry about Jinnah's health and say I am looking forward to seeing him. I am reserving provisionally 11 a.m. on Wednesday, 7th March.[2]

[1] No. 283.

[2] In tel. 171/C of 26 February, Mr Symington informed Sir E. Jenkins that he had seen Mr Jinnah in accordance with Lord Wavell's directions and that Mr Jinnah had agreed to a postponement of the Muslim League Committee meeting until about the middle of March. Wavell Papers, Political Series, April 1944–July 1945, Pt. I, pp. 195–6.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 32

IMPORTANT
SECRET

NEW DELHI, *25 February 1945, 6.35 pm*
Received: 25 February, 2.45 pm

397–S. Superintendent series. My 375–S[1] of 22nd February. Colville saw Jinnah on February 24th.[2] Jinnah denied knowledge of talks between Desai and Liaqat Ali Khan and said Desai's proposals were made without authority from the League. He said he would come to Delhi on March 6th and would be glad to discuss proposals with me after his arrival here. He could not come earlier owing to ill health. He proposed to call a meeting of League committee for a date immediately after that of his interview with me. Colville received impression that Jinnah was not unfavourably inclined to the proposals and I am sure he really knew all about them.

2. I have sent Jinnah message[3] saying I shall be glad to see him on March 7th but that as proposals are Desai's and not mine I trust he will not summon League committee or discuss them with third parties.

3. Jinnah is being evasive as usual and I doubt if I shall be ready to come home before middle of March.

[1] No. 277. [2] See No. 283. [3] See No. 286.

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The Nawab of Bhopal to Field Marshal Viscount Wavell

L/P&S/13/982: f 92

BHOPAL, *26 February 1945*

I am greatly obliged to Your Excellency for your letter of the 17th February, 1944,[1] which did not come into my hands until the 23rd February.

2. I venture to submit that the fact that reference may be found necessary to the very few Princes who are members of the Standing Committee in their own right (I believe their number is only 3 since two of them have never given their consent to be members of the Standing Committee) should not be a deterrent to the adoption of a normal course of action.

3. The Standing Committee, in resigning, wished to record its emphatic protest against the treatment the Princes have been receiving for the past few years at the hands of the Crown Department and against the Political Secretary's letters of the 26th November[2] and 2nd December, 1944,[3] which seemed to them to extinguish their hopes of redress in respect of certain matters to which they attached the greatest importance. There has been no change in the position since that protest.

4. Apart from the issues immediately involved there were other matters which the Princes felt they had legitimate cause to complain of, as for instance, the disregard of treaty rights, unjustifiable interference in the internal affairs of States, departures from established practice and usage to the detriment of the rights and interests of Princes, and treatment generally which can only have the result of diminishing and undermining their position and prestige within and without their States.

I had offered[4] to place Your Excellency in possession of the reasons for the action taken by the Princes, for we were confident that we might expect justice at your hands when the facts as we saw them were placed before you personally. Your Excellency has so far been unable to avail yourself of this offer.

5. You have now expressed the view that the easier course would be that the resignations should be withdrawn. Unfortunately this may not be possible unless there is a change in the situation as it exists at present. The only remaining course would therefore be the holding of bye-elections to fill the vacancies caused by the resignations.

6. If however the withdrawal of the resignations is desired, the Crown Department can perhaps make this possible. I cannot be so presumptuous as

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to speak for my brother Princes without consulting them first, but if an assurance were forthcoming from the Crown Department that the letters of the 26th November and 2nd December, 1944, were not intended to close the door on the further discussion of the matters referred to therein, and that should the Princes so desire, Your Excellency would be prepared to give them an opportunity, as you have done before, of explaining their grievances in person to Your Excellency, I should then be in a position to place the new situation before my brother Princes for their consideration.

7. As stated before we are asking only for fairplay and justice and I venture to hope that Your Excellency will be pleased to accord my suggestions your best consideration.

With best regards.

Yours sincerely,
HAMIDULLAH

[1] No. 269. [2] No. 112. [3] Enclosure to No. 98 as amended by No. 118.
[4] See No. 255, note 1.

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War Cabinet

India Committee. I (45) 8th Meeting[1]

L/PO/6/108b: ff 58, 60–7

Those present at this meeting held at 11 Downing Street, S.W.1, on 28 February 1945 at 9.30 pm were: Mr Attlee (in the Chair), Sir John Anderson, Mr Amery, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel; Sir Gilbert Laithwaite (Secretary)

THE COMMITTEE had before them:—

(i) a memorandum by the Secretary of State for India (I. (45) 4)[2] on the Indian problem;
(ii) a memorandum by the Secretary of State's Advisers commenting on (i) (I. (45) 27);[3]
(iii) a memorandum by the Secretary of State for India (I. (45) 25)[4] on India policy commenting on the criticisms of his Advisers.

THE LORD PRESIDENT invited the Secretary of State for India to develop his proposals.

[1] Certain minor additions and amendments made on 6 March to the original minutes of this meeting are incorporated in the version printed here.
[2] No. 184. [3] No. 273. [4] No. 270.

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THE SECRETARY OF STATE FOR INDIA said that there were two main objectives to be kept in view. The first was to keep India within the Commonwealth; the second, very nearly as important, that India should have a constitution under which she became capable of looking after her own defence, remained united internally and so progressed that she could hold her own in the world. If she was weak, internally divided, and backward, she was bound to become the field of international rivalries. As matters stood there was, in his view, a growing danger of our drifting away from both of these objectives.

It had been quite right, in his judgment, to meet the Indian complaint that the Constitution of 1935 was passed over their heads by putting on them the burden of framing a permanent Constitution of their own. They had not so far discharged that burden and at present they showed very little sign of trying to get together in order to do so. If and when they did there was no present sign that a way out was likely to be found; and the resultant failure would increase frustration and bitterness. We should not, however, underestimate the time that would be necessary in any circumstances to frame a permanent Constitution.

The real difficulty with India was her subordination to this country. It was the same feeling that had resulted in the revolt of the American colonies and that would have driven the Dominions away from us had we not given way to them. It was not a reaction to oppression. India today was self-governing to a far greater degree than was admitted. In surrendering control from here we should not be sacrificing anything that mattered. On the other hand, the psychological effect of the surrender would be very great—the whole Indian problem was indeed a psychological one. In the atmosphere that would result a great deal could happen. His scheme was an interim measure pending the settling of a permanent Constitution. Under it we would declare that thenceforward India would be free from any control from here. As an interim Government she could not have anything much better than her present Government—a permanent Executive independent of any control by the Legislature, under the impartial leadership of the Viceroy. Once United Kingdom control of India was removed, such a Government might well remain in being for a considerable time. But the Executive Council must remain entirely independent of the Legislature.

The Viceroy's powers over his Executive were at the moment subject to the control of the Secretary of State. During his own term of office there had been no occasion on which the Viceroy had over-ridden his Council, though there had been occasions on which, in deference to the Viceroy's representation as to the effect of a particular action on the members of his Council, the Cabinet had not pressed proposals to which he took exception for that reason. But India today questioned whether the Viceroy's powers were exercised purely in the interests of India or in the interests of the United Kingdom. We must

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get rid of that. Once we had done so the Viceroy's residual functions would be more judicial than anything else; and in particular it would be his duty to prevent any element in the Council over-riding the legitimate interests of other elements.

The technical objection that the Viceroy under his scheme would not be accountable to anyone did not really amount to very much. Nor did he attach any importance to the fact that the Viceroy would differ from the President of the United States in not being elected. The Viceroy's position was after all the ultimate outcome of an electoral system; and if he went wrong someone different would, consequent on electoral pressure at this end, be put in to succeed him.

The comments of his Advisers contained in I. (45) 27, had been framed before the Advisers had seen him, and largely under a misapprehension. The bulk of the difficulties to which attention was drawn by the Advisers were inherent in any form of complete self-government for India. The balance were dealt with in detail in his own paper I. (45) 25.

He would prefer a dramatic statement that the arrangements he proposed would take effect at the end of hostilities. But the alternative might be that such a scheme would be introduced by a succession of steps, with a declaration from time to time in Parliament that the Secretary of State's powers of control would no longer be exercised in some particular respect, as was, indeed, done with regard to tariff legislation in 1920. At the Peace Conference the Government of India so freed would speak on its own responsibility, and solely from the point of view of India. Even in advance of any action such as he recommended he thought it would not be right for him to give any instructions to the Indian Delegation at San Francisco, and that they should be left to say what they thought fit on behalf of India.

THE LORD PRESIDENT said that frequent consideration of the possibility, within the present constitution, of removing the referee function from the United Kingdom to India had satisfied him that this was not practical politics. The proposals put forward by the Secretary of State, he feared, lacked a sufficiently substantial basis. The present Government of India were the nominees of the Viceroy, by whom they were appointed and by whom they could be dismissed. The real power rested in the Viceroy's hands. But the Viceroy's powers in turn derived from His Majesty's Government and from the knowledge that the British Army in India was there to support the policy that he was carrying out. The proposal now before the Committee was to make the Viceroy entirely independent of any control from this country. He was to be free to exercise without control powers derived from nowhere. Further, in Indian conditions everything turned on the Army. Its position was fundamental. Yet the present proposals contemplated the transfer of control

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over the Army in India either to an irresponsible Viceroy, subject to no control from here, but supported by a docile Council which would follow his lead, or to a Viceroy subservient to an Indian Executive Council. That Council in either event would be unrepresentative. It would have no mandate from the electorate; it would be responsible neither to them, nor to an Indian Legislature, nor to Parliament. If later it assumed a party character, it might well in practice be responsible to a party caucus outside. But the objections to that were obvious.

It would be a great mistake to assume that the Council, if and when reconstituted on a political basis, would necessarily be so docile as had been suggested. If it proved not to be, what could the Viceroy do? He would have no ultimate sanction against the Council except force. If, on the other hand, he decided that he must defer in all matters to the view of his Council in the interests of avoiding a breach, the result would be that British troops would be placed as a mercenary force under the control of a body not responsible to Parliament. He did not believe that this would ever be accepted by Parliament or public opinion here.

His second difficulty was over the Central Legislature and its powers *vis-à-vis* the Government now proposed. Was the Central Legislature to vote the budget? If it refused to vote the budget, was it to be overridden? He could not resist the conclusion that the Secretary of State's scheme would approximate either to an absolute monarchy or, at any rate, to an oligarchy. Neither would, he felt, be acceptable to Indian public opinion. There would be the greatest difficulty in reconciling public opinion here to divesting Parliament of control of the affairs of India in favour of a Viceroy responsible to nobody. Moreover, so long as the Viceroy was appointed from this country, and liable to recall from here, Indian public opinion would never believe that he was not acting under guidance from His Majesty's Government. The logical outcome of a scheme such as the present would be an Indian elected President, and there was no need for him to emphasise the practical difficulties to which such an outcome would give rise. He was driven to the conclusion that the Secretary of State's scheme was not a workable one.

THE CHANCELLOR OF THE EXCHEQUER said that he was in general agreement with the criticisms of the Secretary of State's scheme which had been advanced by the Lord President of the Council. He thought the position might be tested from a different angle. It was almost certain that sooner or later there would be incidents in regard to the treatment of the superior civil services under the new regime, or disturbances affecting the European community. Was it conceivable that Parliament here would disinterest itself in the handling of such disputes, more particularly if the Army remained in India to assist in maintaining internal security? Secondly, if we examined the conception of a Viceroy armed with powers like the Viceroy's (which were very real, but

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which were at the moment exercised under the control of the Secretary of State and Parliament) but independent of any authority in this country, we were forced to the conclusion that however much such a conception might have in the abstract to commend it, there would be no hope of Parliament or public opinion accepting it.

A scheme not dissimilar from the Secretary of State's had some years ago been put forward by Mr. Arthur Moore, but his recollection was that it had not been taken seriously in India. He could not, he feared, see the Secretary of State's scheme working. Any Indian politician who wanted to make trouble could, under it, create at the shortest of notice a situation which would bring the whole structure down. Parliament, he felt, would not be prepared to set up an authority to exercise the powers proposed for the Viceroy, but to be responsible only to his own conscience. Nor, even if they were, would it be possible to convince public opinion in India that we were doing what we purported to be doing. Our approach to the Indian problem must, he thought, be on entirely different lines.

THE MINISTER OF AIRCRAFT PRODUCTION questioned the soundness of the basis of the Secretary of State's scheme. The premise on which it was based was that India should henceforward be treated as a Dominion, and a comparison followed between the position of the Governors-General of the Dominions and the Governor-General of India. But the Dominions, unlike India, had popular representative Government. In India the Government was appointed by the Governor-General, and so ultimately by the Crown; and so long as that was the case to tell India that she enjoyed full Dominion status would not carry conviction in that country. There would be an immediate demand that the Governor-General should be appointed by India. That would be impossible, for the Governor-General could not at once himself select his Ministers and be appointed on their recommendation.

Secondly, under the Secretary of State's proposals, as he understood them, Parliament would not be free to legislate except at the request of the Government of India. It followed per contra that if such a request was made, legislation on the lines desired would be passed by Parliament. But on that assumption, the new Government of India could at once demand a complete and radical constitutional change, and Parliament, though they might not approve the content of such a change, would have no option but to concede it.

Thirdly, if the new Government was not to be allowed complete freedom of action in relation to the Indian States, a reservation under that head would be necessary.

Finally, the Secretary of State contemplated that there would be treaties and agreements with this new Indian Government, but as such treaties and agreements would be concluded on the Indian side by the Governor-General and

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his nominees, the suggestion would certainly be made that in effect they were on lines that had been laid down by the British Government, and not necessarily in the interests of India.

There was much to be said for a move on the lines Lord Wavell had in mind towards a more representative form of Government. But the present scheme moved in the direction of diminishing accountability, and of an autocratic and irresponsible Viceroy, or else of a breakdown. It would he feared not have a good reception either from United States and World opinion or from Parliament.

THE MINISTER OF EDUCATION said that his object in putting forward the proposals contained in I. (45) 5, Appendix: Item 4[5] had been to explore certain possibilities for dealing with the interim period. His sole anxiety had been to safeguard India's status as a nation, while her future status and permanent constitution were being worked out. From the views expressed by the Secretary of State's Advisers, it seemed clear, however, that there was little if any hope of Indian political opinion accepting the line he had suggested. In these circumstances, he came back to his original view viz. that India should be given some satisfaction over nationhood and that we should concentrate on finding the long-term solution, pending the elaboration of which she would work within the present constitution. We might have to accept that no suitable intermediate arrangement could be found, and that for the time being India must remain inferior in status to Siam and Egypt. An interim constitution acceptable to Indian opinion as a whole looked like being so difficult as to be hardly worth pursuing.

Subsequent discussion centred on the position under the Secretary of State's proposals—

(*a*) of the Viceroy
(*b*) of the Army
(*c*) of the Government of India

(*a*) Position of the Viceroy

As regards the *position of the Viceroy*, THE SECRETARY OF STATE FOR INDIA said that under his scheme the Viceroy would be subject to no instructions of any sort from here; the views and interests of India must in all circumstances prevail. Our responsibility to the States would, however, hold good even if British India left the Empire and, at any rate during the interim period, it would be necessary for the post of Governor-General and the Crown Representative to be combined in the same individual. The fact that he held them both would make it easier for him in practice to reconcile any differences that might arise between the interests of the States and of British India. There were precedents for this e.g. in the position of the Governor-General of South

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Africa who had been at once the Governor-General of a Dominion and responsible for the native territories to the Colonial Office.

It was pointed out, on the other hand, that there was an inconsistency in arguing on the one hand that the Governor-General must be wholly divorced from any control of the United Kingdom in his capacity as Governor-General while, as Crown Representative, it would be his business to discharge the functions of the Crown in relation to the Indian States under instructions from home. So long as the Governor-General remained subject to any control from here, it would never be accepted in India that such control was confined to his relationship to the States. Moreover, the possibility of really serious disagreements between British India and the States, in which event the position of the Governor-General would be most difficult, could not be excluded. The parallel with South Africa was not valid since, under the proposed scheme, the Viceroy would not merely occupy the position of the Governor-General of a Dominion, which reflected the position held by His Majesty in this country. He would, in addition, be Prime Minister with control of the Army, the right to dismiss his Executive, and a Government not responsible to any electorate.

Further, the burden of responsibility falling on the Viceroy would be most difficult to discharge. He would be left with no-one from whom he could seek advice. Under the Secretary of State's plan it would not be proper for him to consult the Home Government, who would have no authority over him. In certain circumstances e.g. where a communal difficulty was involved, he could look for no assistance from his colleagues. A Viceroy neither accountable nor responsible to anyone, yet at the same time liable to recall or dismissal by His Majesty's Government, would occupy a wholly impossible position.

(*b*) Position of the Army

THE SECRETARY OF STATE FOR INDIA said that the problem of the Army, like that of the treatment of the Indian services, underlay any form of Indian self-government set up in implementation of the pledges we had given.

In the case of the Services our new recruitment proposals frankly recognised that self-government might involve a change in their conditions, and provision was made for this. In the case of the Army it had never, he thought, been contemplated that self-government must mean the removal of all British troops from India. But it went without saying that under any form of self-government, British troops would serve in India subject only to definite arrangements between the two parties. And he himself saw no difficulty in our retaining British forces in India to safeguard the external defence of that country on the understanding that they would not be used for civil disorder or to meet our obligations to the Indian States save after prior consultation with and the approval of His Majesty's Government. There was no reason why the

[5] No. 188.

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agreement should not be honoured. If not the British Government could terminate it. There were precedents in present Dominions (New Zealand in 1864: Cape Colony in 1870) for the use by local governments of forces which were not under the control of those governments.

A different solution of the difficulty might, of course, be the recruitment by India of her own white forces or, alternatively, an arrangement of the nature that existed in Egypt. Nor should we overlook the possibility that the existing Government if retained would normally use Indian troops to keep order in internal disturbances, in which case there would be no need to fall back on British forces.

It was pointed out, on the other hand, that it would be impossible to put the British Army in India under the control of a Viceroy responsible to no-one in this country, and subject to very substantial control in practice from his Indian advisers. The precedents quoted by the Secretary of State were neither of them recent, and in any event, the Governments which had been using these troops had been subject to the ultimate responsibility of Parliament in this country. The scheme as it stood was open to the suggestion that while the ultimate sanction was force and the support of British troops for a particular policy, that force could be employed only by the permission of His Majesty's Government. It would be argued immediately from this that the effective control by His Majesty's Government was in the last resort as great as ever, and that the Government of India continued to rest on British bayonets. At no stage had any promise or undertaking been given that any new Government of India would have British troops to support them after self-government had been attained. Admittedly, provision for the presence and use of British troops could be made by Treaty. But the terms of any such arrangements would be very closely scrutinised here. The real difficulty would arise over the use of British troops for internal security and communal disturbances. Yet, unless a trustworthy body for this purpose were available to the proposed new Indian Government, the problem could not be regarded as solved.

(*c*) Position of the Government of India

THE SECRETARY OF STATE said that he could not agree that the present Executive Council were mere instruments in the hands of the Viceroy. They were a distinguished body of men who represented a fair cross-section of moderate opinion in India, and they constituted a body that we could not override in favour of British interests. The Viceroy had in practice to follow the advice of the majority of his Council, and despite the reservation to him of power to override them in specified cases the resignation of the whole Executive Council on any issue would be most difficult to face. As he saw it, the Viceroy would increasingly make his Executive Council, as proposed by Lord Wavell, representative of the main elements in India's national life. He could

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be relied on to appoint to it individuals who would carry weight with the Central Legislature, even though the Council would be independent of that body, and with public opinion in India. With his Executive he represented the kind of power represented by the Swiss or the United States constitutions. The collective sense of the Council might be relied on to make itself felt in a conservative direction.

It was urged, on the other hand, that the Council would be responsible to nobody. They would have no electoral backing; and would not be responsible to the Indian Legislature or to Parliament. If they insisted on a particular course of action, however objectionable, the Viceroy, once he had himself nothing behind him, would no longer be able to impose his will upon them, and the extent to which he could hope to lead them in certain circumstances would be very limited.

After further discussion, THE LORD PRESIDENT said that it was clear *that the general sense of the Committee* was against the scheme which had been advocated by the Secretary of State, which they did not regard as practicable or safe in present circumstances. He suggested that at their next meeting the other alternative measures which had been under examination should be reviewed, and that in this connection arrangements should be made to circulate to the Committee the text of a recent speech by Sir Zafrullah Khan which contained a suggestion that we should give the Indians a year in which to agree a constitution, and warn them that at the expiry of that period, we should take on ourselves the responsibility, if they had not reached agreement on a solution.

THE SECRETARY OF STATE FOR INDIA said that he recognised that the sense of the Committee was against him, though he remained of opinion that his scheme was right and practicable and would bide his time. He would like to consider the possibility of working in the direction he had advocated gradually, if it could not be done immediately. He would arrange for the circulation of Sir Zafrullah Khan's speech.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,

No. 8. *28 February 1945*

Many thanks for your letter of 15th February.[1] I have informed you by telegram[2] about Jinnah's attitude to the Desai proposals and I have also telegraphed

[1] No. 263. [2] No. 287.

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an appreciation of the Congress revival in the Provinces.[3] At the moment everything is very quiet and I have nothing more to tell you about all-India politics. Dow has repeated to you[4] his telegrams to me about the defeat of his Ministry a few days ago, and the subsequent developments. Ghulam Hussain Hidayatullah seems to have kept himself going for the time being, but Sind politics are peculiar, and Dow may have to go into Section 93 at short notice.

2. I have looked up the papers by Hodson which you mention in paragraph 3 of your letter, and found them interesting. In dealing with the preliminaries for the United Nations Conference at San Francisco I had independently reached much the same conclusions as Hodson about the correct procedure. The appointment of our delegates and the instructions under which they are to act must be approved by my Executive Council, though the composition of the delegation will no doubt be settled in advance between us and Council will accept our selection. I have telegraphed to you[5] the names of the British Indian representatives I suggest, and if you agree to leave the Princely choice to me I hope to take the whole case in Council within the next ten days or so. Time is very short if the party is to reach London by the 15th March.

3. I found Moon's book on the future of India most interesting. His analysis of our problems was good, but like most people he found the solution more difficult, and I was not attracted by his idea that individual Provinces should acquire Dominion Status, or something like it, in advance of the rest of India.

4. I shall be interested to hear whether you have been able to make any progress with the proposed announcement about food imports to which you last referred in your private telegram No. 85[6] of 3rd February. It is really important from our point of view that His Majesty's Government's policy should be announced. As you know we have agreed to let Ceylon have an emergency supply of 10,000 tons of rice and are considering the supply of larger quantities to Ceylon in return for a replacement in the summer. The Food Department hope to take their decision within the next few days, but any large movement of foodgrains out of the country is likely to cause uneasiness and it would be a great help if His Majesty's Government could settle and announce their policy.

[Para. 5, on the Medical Advisership to the Secretary of State, omitted.]

6. I am glad His Majesty's Government decided to give Hope an extension in Madras. It was the obvious solution and greatly preferable to any local arrangement I could have made. I suppose you are continuing your efforts to find a successor to Hope—I think he ought to be told who is taking over from him by the middle of May at latest.

7. The problem of our departmental organisation, to which you referred in paragraph 10 of your letter, is to run sixteen portfolios, containing eighteen

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departments, with perhaps seven or eight competent or fairly competent Members of Council, and half-a-dozen good Secretaries. Most of the Departments have to be in the charge of Members who do not contribute very much to their work, and we now have comparatively few senior officials of high quality. I quite agree that in a country of this size 20 Members of Council would not be an excessive number, but the trouble is to find men who are of any real use. Also proceedings in Council are already apt to be long and wordy. I shall probably have to drop the idea of breaking up the Defence Department, as I am advised that its abolition would be politically unpopular, in spite of the contemptuous criticisms when it was originally created. It is an odd Department dealing largely with sections of G.H.Q., and able to carry on without friction only because Firoz is easygoing and is on good terms with the Commander-in-Chief. You may be right in thinking that the Defence Department will one day become a ministry concerned with the whole administrative side of Defence, but I see no prospect of any development of that kind in the near future.

[Para. 8, on the decision not to recognise a marriage of the Maharaja of Baroda; para. 9, on Dr Aney's motor accident; and para. 10, on the selection of Indians for teaching posts or courses at American universities, omitted.]

11. You may remember that the Executive Council appointed a Committee some months ago to consider the form our National War Memorial should take. This Committee, of which Auchinleck was Chairman, reported unanimously in favour of an Indian West Point. Like the original West Point this institution would give a sound general education which would qualify men not only for the fighting services but for civilian careers. Students would not be bound to enter the fighting services on graduating, but would have to agree to join a reserve of officers so that they might be available during a national emergency. Council accepted the Committee's report and an official Committee will now be set up to work out the administrative and financial details so that an appeal for funds may be launched. The Committee of Council will remain to guide the detailed proceedings, and Council will receive a further report some months hence. We shall have to be quite clear about finance, for although I have no doubt we shall receive large contributions towards the project some portion of the initial cost and the greater part of the recurrent cost will have to be met by Government. The gift of £100,000 made by the Sudan Government to India could suitably be used for one of the prominent buildings in this project.

12. I have now received a report from the head of the Economic Warfare organisation here on Cripps' proposal that the information collected for

[3] No. 285. [4] L/P&J/8/647. [5] 398-S of 25 February. L/E/9/1525. [6] L/PO/10/18.

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Economic Warfare purposes might be of value to some of our Departments for post-war use.[7] The report says that the information is at the disposal of the Government of India but the head of the organisation obviously doubts if it will be of much long term value. It is concerned mainly with existing conditions in the countries immediately East of India, and as soon as these countries are re-occupied conditions will change and more accurate information will be available. It is suggested that the Government of India may be more interested in the methods used by the Japanese in developing industry in the countries concerned. I understand they have achieved a good deal by improvisation. The Departments concerned here have been informed of the position and will doubtless make such use as they can of the Economic Warfare material.

[Para. 13, on the project for an Indian Medical centre; and para. 14, on leave passages for civil servants, omitted.]

15. I had a talk with Shafa'at Ahmed Khan a day or two after he returned from South Africa. He started by expressing admiration for Smuts and ended by telling me how unreliable he was generally believed to be. I made it clear to Shafa'at Ahmed Khan that there was no point in a violent agitation on our South African grievances at present, and I hope he may keep quiet. But he is an irresponsible person and is quite capable of making all the trouble he can.

[The last sub-para. of para. 15, on the appointment of a Deputy High Commissioner in London; para. 16, on Sir Zafrullah Khan's wish to make a lecture tour of the U.S.; and para. 17, on Mr Amery's note on the post-war British Army, omitted.]

PS.—I saw Tej Bahadur Sapru on the 26th February, and had a fairly long conversation with him. I enclose my note on the conversation.

Enclosure to No. 290

L/P&J/8/513: f 161

NOTE ON CONVERSATION WITH SIR TEJ BAHADUR SAPRU

26th February 1945

1. I asked Sapru how his Committee was getting on. He told me that there were three committees; one on the Constitutional problem, of which he was President; one on the Depressed Classes; and one on the other Minorities, headed by the Metropolitan of India. He said that the Committee on the Depressed Classes had reached agreement, and that he thought that the Committee on Minorities would also report shortly. He did not expect to get out a report before the end of April, and it might be a good deal later. He said that he would send me a copy of the reports and relevant documents.

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2. He said that the one people he had met who really knew their own mind were the Sikhs, who were quite determined that they would not be subjected to the dominance of any party at the Centre, either Hindu or Muslim. He said that they favoured the Swiss type of constitution. This choice between the British type and the Swiss type was one of the main issues before his Constitutional Committee; he had put before the Committee a note on each type but had expressed no personal view yet.

3. He said that he had had some correspondence with Mr. Gandhi about the work of the Committee and that Devadas Gandhi had just brought his father's reply to some questions which Sapru had put to Gandhi; but he had not yet seen the document.

4. The Committee did not seem to have considered the problem of the Princes in any detail.

5. Sapru said that they were rather in difficulties about the question of defence; that the defence problem was obviously of great importance but that he did not know what the future of Indian defence would be. I said that obviously it was a big problem but that I did not think anybody could give him the answer at present; I referred to the Commander-in-Chief's Committee on the future of the Indian Army. Sapru said that one of the questions under discussion was the proportion of Muslims and Hindus in the Army. I told him that there would be no objection to his asking the Commander-in-Chief for the present proportions, and I thought that the Commander-in-Chief would probably give them to him.

6. Sapru ended by saying that if Indians fail to reach agreement on the communal problem, the British must produce a solution, and must say definitely whether they were in favour of Pakistan or not. I said that supposing the British Government did produce a solution, who was going to enforce it, would the British be expected, for instance, to stay and enforce a united India on recalcitrant Muslims, or to force Sikhs into a Pakistan which they did not wish? Sapru merely implied that as we were the people in possession it was up to us to find a solution.

7. I should not say that Sapru was very hopeful of his Committee finding a solution which would be acceptable in general, but merely hopes to put before the public some opinions and data.

W.

26-2-1945

[7] Relevant para. omitted from No. 254.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET

INDIA OFFICE, *28 February 1945*
Received: 6 March

Jinnah's illness and the fact that you cannot see him till March 7th seems of itself, as you have indeed said in one of your telegrams,[1] to defer your visit here automatically to the second half of March. On the whole that is just as well. What you and I have both disliked is the idea that we should be regarded as responsible for procrastination in giving due consideration to any serious endeavour on the Indian side to bridge the deadlock. Jinnah's illness and his no less obvious coyness on Desai's proposal itself, clearly absolve us from any possible blame of that kind.

S. of S. seems to have overlooked that I sent home some proposals last September,[2] long before Desai's approach, and it is these that I am primarily coming home to discuss.

W.

2. I have been rather exercised in mind by Dalal's attempt to force your hand over the economic safeguards in the existing constitution.[3] Personally I disbelieve in them and look upon them as more a source of irritation than of real help to British trade and industry. But to try and get rid of them at this moment might easily create a difficult situation in Parliament and indeed in the country. There is general acquiescence in the view that these safeguards must go under an Indian constitution (and that would no doubt apply also to the development which I have in mind). But you may be sure that Winston and the Cabinet would object to amending legislation at this moment and I should have to take a stiff line in the House. Anyhow, I cannot see any particular advantage from the point of view of Indian industry, for the British industrial world here have been thoroughly well educated in what lies ahead and any agreements they make with Indian industry will be on the basis of the future situation and not in reliance upon existing safeguards. So I hope that you may be able to persuade your Council that they had much better let this particular sleeping dog lie, as there is no danger of his biting, either now or when he wakes up in the ordinary course.

Council could well be persuaded; it is Indian business and the Legislature who insist on barking.

W.

3. On the other hand, as I have said in my telegram to you, a different situation might arise if your colleagues really felt so strongly about it as to

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threaten resignation on a large scale. If you feel that that is something which you cannot allow to happen I would naturally fight out your battle in the Cabinet and it might become a very critical issue. I should certainly have to support you all out on it, but I would very much sooner that you could manage to prevent matters coming to a head in that way.

4. The Commonwealth meeting to discuss World Organisation has now been postponed to April 4th as various Dominions found the earlier date inconvenient. The later date will enable Smuts to attend personally and it occurs to me that that might afford an opportunity for some informal talk between him and Mudaliar on the Indian South African question. I have had some talk with Maharaj Singh on this question and he seems to have spoken on it with great vigour at the Commonwealth Relations meetings. But I am afraid he refuses to get away from the broad theoretical standpoint and to admit the fact that progress can only be by compromise and by gradual stages.

He is a light-weight anyhow.
W.

5. I hear the Indian Delegation have done well and that Zafrullah has been outstanding. I confess I do not see any harm in his rather outspoken demand that we should hand over to an interim constitution by a certain date if Indians cannot frame their own constitution within that time. That does not differ very much from my own idea, except that I regard the existing constitution as the best interim constitution that can be devised, subject to your securing a more representative Executive and a better Legislature by adopting that part of the 1935 Act in so far as it applies to British India.

6. We had, by the way, quite a large sherry party for the Indian Delegation at Eaton Square yesterday and had all the world to meet them. I think they all enjoyed it and appreciated the opportunity of meeting a certain number of people in politics or formerly connected with India.

[1] No. 287. [2] See No. 19.

[3] In tel. 402-S of 26 February, Lord Wavell informed Mr Amery that the Legislative Assembly was to debate a resolution on 2 March which called for the repeal of the commercial discrimination provisions of the Government of India Act. He reported that Sir A. Dalal had asked for a discussion in Council as he wished to announce in the debate that the G. of I. intended to approach H.M.G. with a view to the negotiation of a convention or, failing that, some understanding which would enable India to prevent British industry from dominating Indian development. Sir A. Dalal also wished to announce he was to visit the U.K. in this connection in April. Lord Wavell felt Council would probably support Sir A. Dalal in which case he would not feel he could over-rule them.

Mr Amery replied in his lengthy tel. 145 of 27 February which was on the lines of these paras. He stressed: (i) that as long as the present constitution remained in force, there was no chance of Parliament singling out any one Chapter for repeal or emasculation; (ii) while the discrimination provisions remained, the Governor-General had both the right and duty to prevent action which offended against them; (iii) it was generally recognised in all quarters in the U.K. that the commercial discrimination provisions would not be included in the future constitution. L/E/8/3821: ff 496, 489–93.

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7. You mentioned in paragraph 11 of your letter, dated 5th February,[4] that you had had a talk with Morray, the British Council's representative. We have since heard from the Council that, contrary to their expectations, he has already left India—they had anticipated that his investigations would have occupied two or three months and that he would have visited some of the University centres. I am interested to hear that he is likely to propose the appointment of a Council representative in India and the establishment in the Council's organisation in London of an Indian Division with a director and an Indian adviser. Morray is now back in the Middle East writing his report and I will of course let you know as soon as it reaches us. In the meantime it would be very helpful if you could tell me what you personally think of the recommendations to which you have referred.

8. Halifax introduced to me an American Representative, Everett Dirksen, a Republican from Illinois, who is visiting India and China. He described him as a man of considerable influence in the Republican Party, very popular and ambitious. I have had quite a good talk with him and he seems to me very likeable and open-minded. I am sure it will be worth while your paying him some little attention when he gets to Delhi and more particularly giving him some idea of the extent to which India in fact runs its own affairs and of some of the things you have in mind in the nature of reconstruction. Halifax says that whatever story he tells on his return will be listened to effectively by the great majority of Members and receive considerable publicity outside.

9. I have seen Reith's reports on his discussions in Delhi about the Commonwealth tele-communications proposals. The outcome seems highly satisfactory and it looks as if Reith must have conducted the negotiations with great skill, so as not only to bring Bewoor round but even to leave him more than content with the changes. On the face of it, this result seems highly creditable to Bewoor himself. Raisman also appears to have played a valuable part. I should be very interested to hear your private impression of the negotiations.

H.E. the Viceroy made some contribution by giving Reith and his principal adviser some advice on how to approach the problem.
W.

[Para. 10, on the appointment of a new Indian Information Officer in Washington, omitted.]

1 March 1945

11. You will remember that in paragraph 14 of my letter of February 22nd,[5] I mentioned that we were consulting the Law Officers as to whether, in the case of Burma, the suspension of the constitution could be modified in such a way as in effect to lead up to government of the Executive Council type

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and indeed eventually to something of the Swiss type. Personally I had not thought that view tenable, but as both Simon and Cripps held it, I thought it should go to the Law Officers. I am enclosing their opinion in case it may be of interest to you from the point of view of some possible modification of Section 93 where it is at present in force. It seems to me obvious that in view of the Law Officers' opinion you could not convert Section 93 into an Executive Council government with a corporate responsibility in law, though in practice you might go very close to it by the appointment of non-official advisers. You will see, however, that the Law Officers consider that the Legislature might be convened while the Governor still retained full executive power to be exercised at his discretion and could still exercise adequate control over legislation. Anyhow, I think you might find it useful to have the opinion.

12. I had a long discussion last night with the Cabinet India Committee on my own proposal.[6] It certainly is too revolutionary for them, though many of the objections voiced were in fact only objections to any form of complete self-government in India. What stuck most in their gizzard was the fear that Parliament would regard the exercise by the Viceroy of his very limited and essentially judicial and arbitral function in his Council, unless controlled from here, as equivalent to the setting up of an unlimited dictatorship. To my mind that only shows the extent to which people can be influenced by theory and not by the practical circumstances of the case. I did raise the question whether what I believe to be necessary could be attained by stages rather than by an overt declaration, instancing Bajpai's being made a Minister, the appointment of an Indian Member of Council for External Affairs, etc. These are questions which perhaps might best be raised by you when you come home. Otherwise the issue I have raised may present itself, not from any initiative at this end, but by some definite head-on collision between your Executive and the Cabinet here, possibly, even, as I have suggested earlier in this letter, over Dalal's proposals. Well, we must wait and see and I can only hope that meanwhile your own approach to the problem may be successful.

13. I was asked a series of questions this morning[7] about the trouble with the Princes, inspired, I suspect, by Maqbool Mahmood, and could only reply that I hoped to be able to make a statement shortly. It will, I fear, be somewhat embarrassing if I have to give the same answer several times, so I trust that I may be able to say something more or less definite before long.

14. Raisman seems to have made a very good Budget speech[8] and I only hope it has gone down reasonably well, allowing for the general temper of the Assembly. I am sorry to say that with the limited space in the newspapers

[4] No. 253. [5] No. 281. [6] See No. 289.
[7] See *Parl. Debs.*, 5th ser., H. of C., vol. 408, cols. 1548–9.
[8] See *The Legislative Assembly Debates*, vol. II, 1945, 28 February 1945, pp. 860–79.

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nowadays and the tremendous interest in yesterday's debate on Poland it has received very little attention here.

15. You ask in paragraph 18 of your letter of the 21st February,[9] which has just come in, whether I can tell you anything about a possible Pan-African movement. I don't think there can be any question of the Rhodesias and the East African territories being included in the Union. Neither side would wish for anything so far-reaching. There is a definite movement, of course, for the federation or amalgamation of the two Rhodesias and Nyasaland, the main purpose of which would indeed be to keep the Rhodesias out of the Union, with its predominantly Dutch influence, and to develop a Southern Central African federation, predominantly British, to balance the Union as it developed. The Colonial Office has never seen its way to sanctioning this, as it feels that any such union would lead to the Southern Rhodesian outlook on native and native labour questions displacing the Colonial Office outlook, and has only agreed to something in the nature of a consultative council. The recent Parliamentary delegation which visited the East and South African colonies came back very definitely impressed by the fact that, while the Colonial Office territories professedly put the native first and the self-governing territories no less definitely put him second, at any rate in the political sense, the natives are in fact much better off in the Union and Southern Rhodesia than in the colonial territories. The reason is, first, that the direct influence of the European farmer, whether as employer or as neighbour, does more for the native than government instruction, and secondly, that territories vigorously developed by white enterprise have more money to spend on the native, even if they spend yet more on the European.

East Africa, i.e., Kenya, Uganda and Tanganyika, are again a separate proposition, in which a similar difficulty occurs as between the Kenya outlook and that of Tanganyika and Uganda and where again it may be said that, on the whole, the native makes more progress where white enterprise has scope for building up progressive agriculture and larger revenue, even if it may only be as the by-product to the native of a fundamentally more selfish policy.

In all these territories, the white settler and trader looks with suspicion on the Indian, partly from the selfish point of view because he fears to be displaced himself; partly from the less selfish point of view that the Indian, starting from a higher level, prevents the native rising in the social and industrial scale—this last argument, of course, only applies to the territories north of Southern Rhodesia in which there is no industrial colour bar. From this point of view, of course, they do tend in a general sort of way, to look towards the Union, and anything like an attempt by the Colonial Office to enforce a drastic policy overriding their point of view might very well incline their minds to look to the Union for moral support. But there is nothing more in it than that, at any

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rate at present. What might happen 50 years hence is, of course, another question.

16. I doubt very much whether at a Peace Conference it would be possible to secure Eritrea as an actual colony for India, and I cannot help thinking that it would be a mistake to try and overload the Indian constitutional problem and the problem of India's immediate defence by adding the responsibilities of colonial administration. On the other hand, for what it is worth, Eritrea, unless actually handed over to the Abyssinians, might, under some international régime, afford a certain limited scope for Indian immigration and settlement.

17. I was very much interested to read your account of what you saw in Mysore, Travancore and Cochin, and glad that you feel that there is a good deal of actual achievement and not only window-dressing. I am sure it is all to the good that the States should make rapid economic progress and should be encouraged to do so.

18. We had a very vigorous debate on Poland yesterday[10] and though the overwhelming body of the House felt that the Government had done the only thing that it could do in a difficult situation, there was much searching of heart among members of all parties at the thought that we were in fact unlikely to be able to do anything to save Poland from being put in the hands of a pretty unscrupulous communist minority with Russian support. That is indeed what looks like happening to Rumania, where an honest and patriotic Prime Minister, Radescu, has just been pushed out by a small communist gang supported in the most blatant fashion by the Russian authorities. To my mind it only reinforces the conclusion that, while we ought to do what we can to defend and promote our ideals, it is no use assuming that those ideals are shared by others whom circumstances have brought into the war on our side, or that they will be shared by those who will in fact control the decisions of the world organisation.

[9] No. 275. [10] *Parl. Debs.*, 5th ser., H. of C., vol. 408, cols. 1416–1516.

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Mr Casey (Bengal) to Field Marshal Viscount Wavell

R/3/2/52: ff 169–73

PERSONAL AND CONFIDENTIAL GOVERNMENT HOUSE, CALCUTTA,
No. R.G.C. XV *1 March 1945*

I find on looking through my file of periodical letters to you that I have kept you regularly informed on a number of individual items of work and activity in the province. Although I have not left you in doubt as to my views on individual matters that I believe are gravely wrong in Bengal—I do not think

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that I have attempted a broad overall story of administrative conditions here. After more than 13 months in Bengal, I believe that the time has come when I should do so.

2. What stands out principally in my mind is the pitiful inadequacy of the administration of the province. Judged by any standards with which I am acquainted or which I can imagine, the administration is of a very low order. On these standards Bengal has, practically speaking, no irrigation or drainage, a medieval system of agriculture, no roads, no education, no cottage industries, completely inadequate hospitals, no effective public health services—and consequently no real attempt to deal with malaria (which is the Province's principal scourge and "killer"), and no adequate machinery to cope with distress. There are not even plans to make good these deficiencies—and even if there were, it would be quite impossible to pay for them, as things are.

3. All this leads me to attempt an analysis of the causes for the present unsatisfactory position. The administration has clearly been going downhill for a great many years and is now in pretty low water—in numbers, morale, energy and in ability. The position in Bengal today, I know, is a legacy from the times when the whole of India was in effect centrally administered and the Empire has cause for shame in the fact that, in Bengal at least, after a century and a half of British rule, we can point to no achievement worth the name in any direction.

4. Financial limitations have apparently largely brought about this lamentable state of affairs. At some time in the past, the British administration evidently decided that Bengal (I do not know about the other provinces) should be run on the minimum possible expenditure of public moneys—very low taxation and no expenditure of loan moneys for developmental purposes. The result has been a pinchbeck policy under which the resources and potentialities of Bengal have not been developed. In the effort to produce checks and safeguards against spending a rupee more than the essential minimum of money, a suffocating system of red tape has been developed which has throttled initiative, and has created in the minds of the services (from whom plans ought to have been forthcoming) a sense of frustration and stultification that has prevented the development of the vision necessary for the framing and working out of plans of development.

5. As I said to you in New Delhi recently,[1] I am satisfied that the financial settlement must be revised. I shall be addressing you at length on this subject in the near future—and so I will not refer to the subject in this letter—other than to say that I do not believe that the present financial situation can continue without grave risk to conditions in Bengal and to the good name of our administration in India.

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6. Apart from financial insufficiency, there is the pitiful inadequacy of the present administrative services and system. I became conscious of this very early in my time here and, as time has gone by, I have become more and more aware of it. It was this that decided me, quite early in my time here, to establish as high-powered a commission of enquiry as I could get together to investigate and advise upon the whole administration in Bengal.[2]

I expect this committee to point out the principal defects in the administration and to suggest measures to remedy them.

7. In the first place, the strength of the Imperial Services (I.C.S., I.P., I.M.S., etc.) in Bengal is clearly grossly inadequate to the barest needs of a modern administration on the most elementary scale. Even in comparison with the rest of India, their numbers per head of the population are lower than in any other major province, in spite of what I believe is universally admitted—that the problems of Bengal in peace and more particularly in war are more difficult and intractable than elsewhere in India.

Moreover, the war has thrown much greater burdens on Bengal than on any other province (except perhaps Assam) which means that the inadequate cadres have had to shoulder a far greater burden of work than it is possible to do well.

8. There is also the fact that the relatively sudden change-over in 1937 to ministerial government has imposed another burden on the patience and forbearance of all I.C.S. officers whether European or Indian. The communal racket and what I believe is the lower calibre of Indian politicians in Bengal as compared with other parts of India have made the business of government under a Ministry more onerous and hard to bear for the I.C.S. etc. in Bengal than for their fellows in other provinces. Indeed, in all the principal provinces of India, except the Punjab, there has been only 2½ years of government by a Ministry in place of nearly 8 years in Bengal, and during the last 5½ particularly difficult years the services in other provinces have had the relatively easy conditions of Section 93 Government, which is to a great extent the equivalent of pre-1921 government.

Then again—I believe that, as compared with other parts of India, the general run of the people of Bengal have a negative and sodden attitude of mind which makes them sit down under difficulties and endure them rather than make an effort to help themselves and find solutions. On top of everything else, this entails a greater output of effort and energy for any given degree of achievement by Bengal I.C.S. officers than for their fellows elsewhere.

9. Quite apart from the specific war-time burdens which have been thrown on the administration, there is the fact that the functions of Government have

[1] See No. 240, para. 15.

[2] See Vol. IV, Nos. 521 para. 17, 545, 558, 562, 565 para. 5, 568 para. 3, 580, 598, 660 para. 7 and 676 para. 12.

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changed (and changed very rapidly) in recent years. In Bengal the administration for generations has traditionally been concerned mainly with law-and-order and revenue. It is only recently (and relatively suddenly) that they have been called upon to adjust themselves to coping with the full range of matters that concern a modern government—for which their previous training and tradition have ill-fitted them. In consequence, they are making rather a poor fist of it.

10. This last criticism, I believe, applies perhaps with special force to the European members of the I.C.S. on whom, in my opinion, the major responsibility for the administration of Bengal still rests.

I do not know whether there is truth in the suggestion, which has been made to me, that amongst the European recruits to the I.C.S., there is a tendency to opt for other provinces than Bengal and that this trend has existed for many years. Quite apart from the preference of individual recruits, I believe that Bengal was entitled, owing to the number and intricacy of its problems, to receive more than its strict share of the best recruits. It clearly has not had this.

The European element in the I.C.S. has been seriously depleted by the following: four first class men were killed by terrorists—seven have retired on proportionate pension—eleven have been taken by the Political Department and the Finance Pool. Of these 22 men, 20 were British and 2 Indian.

Besides the above, the Government of India has taken 14 other I.C.S. men from Bengal—making a total of 25, as against the cadre provision of 20. Of this 25, 16 are Europeans, and they include some of the best and most promising I.C.S. men in Bengal.

The lack of adequate leave, which is more necessary in the atrocious climate of Bengal, has borne harder on the European members of the I.C.S. here than the I.C.S. elsewhere.

11. The inadequacy of the administration has not only led me to the establishment of the Rowlands Committee, but has involved me in a very great deal of personal intervention which I do not believe is the proper function of a Governor.

I have found myself compelled to use my personal influence in many directions in an attempt to supplement our meagre personnel—from the Calcutta business community and from outside the province—from the U.K., from the Middle East and from Australia and New Zealand as well as from the Government of India and the Army. I have had some success in these efforts, but I have not received anything like all that I sought.

I fail to see why I should be obliged to go to the lengths that I have had to go, in the search for men to do the essential tasks in Bengal. I see no reason why I should not be able to look to the Government of India to help me, if what I am seeking is reasonable.

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I have also had to concern myself with countless administrative details quite beyond the prodding, pushing, encouraging and discouraging which is part of a Governor's function. I have had to do this because, if I did not personally deal with these innumerable details, matters would not progress.

12. I am told that the administration of this province is inefficient and that Bengal is unpopular with the other provinces. I know this very well. At the same time, I am compelled, with the object of improving the administration, to exert myself to an extent, and in respect of matters, which I consider to be inappropriate. Presumably I am here to try to keep public affairs in Bengal on an even keel for the duration of the war. I am putting all my energies into this task, but I need more help from outside if I am to succeed. The trend of affairs in Bengal that has existed for a generation or more cannot be reversed in a year or two except with a degree of assistance greater than I have been afforded so far.

I am very conscious that I have asked departments of your Government for many things in the last 12 months; and I am also conscious that much of what I have asked for, whether in the way of people or things, has been refused. The risk is that, if things go on as they are going at present, we may well see the situation degenerate into what would be called another famine. I do not want this to happen. If the situation degenerates in this way, it will not be the Bengal Government alone that will be held to blame. The result will reflect also on the Government of India and on H.M.G.

13. I have had it in mind for some time to write you a letter on these lines. It is the realisation that Bengal cannot get more than 50 of the 170 army officers that we gravely need and for whom we have asked, and that the Government of India are unwilling to let us have Christie, Mitra and Mazumdar, which, in particular, has prompted me to write you at this time. I do not speak of the many other things that I have sought and failed to get. I am not happy at the prospect that faces me and the Government of this Province in the latter half of 1945 for the combination of reasons that I have given.

14. In the ordinary course of events, the Administration of a country does not "break down". The worst that happens is that it deteriorates—wrong decisions are made on a series of levels, and the speed of achievement does not keep pace with the oncoming problems.

However, in Bengal, worse may befall. The food problem is always with us —and if the administration is (for the variety of reasons that I have given) unable to cope with it, then you may well get what happened in 1943, which is as near to a breakdown as no matter.

15. In short, I believe that unless I am given more active assistance, I will have to ask to discuss with you whether it is worth while my remaining here.

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I do not want to be connected with a failure—particularly when a failure can be averted—but if I am denied the essential means of coping with the situation, then I believe that someone else should be allowed to try.

I need hardly say that this letter is meant for your eye alone and for Amery's.[3]

[3] No copy of Lord Wavell's reply to this letter has been traced and possibly no reply was sent. See, however, No. 310, para. 6. Mr Casey has referred to his letter to Lord Wavell, and the response to it—an immediate telephone call from Lord Wavell—in his book *Personal Experience 1939–46* (London, Constable & Co., 1962), pp. 209–15. The text of the letter printed there differs in some respects from that above.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/102c: ff 229–30

IMPORTANT INDIA OFFICE, *2 March 1945, 2.25 pm*

4824. Superintendent Series. Samuel came to see me some weeks ago and said he felt time had come when there ought to be a general release of Congress prisoners including leaders. I explained the policy of gradual release and he dropped the matter for a time. He has now written to me to say that he is coming to the conclusion that matter ought to be raised in Parliament unless Government of India are likely to take action in near future. He feels it would be preferable initiative should come from them, but if not would like opportunity to be given for public statement of reasons for continued detention of Congress leaders by which he appears to mean primarily Working Committee but no doubt their release would involve general release.

2. It would of course be inopportune to have to make full-dress justification in Parliament of continued detention at the moment, especially as Desai, as part of his proposal, has said that he does not want Working Committee at any rate released till after any new Government takes office; but even if I succeed in dissuading Samuel I may at any time be pressed for statement by less responsible elements.

3. I think the best thing may be for me to explain confidentially to Samuel position as regards Desai and ask him to refrain from raising this subject for the present, but before doing so I should like to have your concurrence & also to have from you the lines of a considered statement in defence of continued detention which would be acceptable to you if it becomes essential to use it in Parliament. Meantime I am telling Samuel that I am consulting you and asking him to take no action until I have had time to do so, but I should be grateful for early reply.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/102c: f 128

IMPORTANT INDIA OFFICE, *2 March 1945, 12.45 pm*
PRIVATE

151. Superintendent Series. My telegram 4824.[1] I feel sure Cabinet would not agree to release of Congress leaders at any rate before end of German war, unless it were in connection with any major move in the political field which they may authorise as a result of present discussions.

[1] No. 293.

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War Cabinet

India Committee. Paper I (45) 32

R/30/1/5: ff 69–74

Speeches by Sir Zafrulla Khan, Leader of the Indian Delegation at the Commonwealth Relations Conference

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *2 March 1945*

I circulate for information an extract (Annex I) from a speech by Sir Muhammad Zafrulla Khan made at the dinner given to the Delegates attending the British Commonwealth Relations Conference on the 19th February. The extract covers all that part of the speech which related to the Indian constitutional question.

I also circulate (Annex II) a speech made by Sir Zafrulla Khan at the opening session of the Commonwealth Relations Conference on the 17th February.

L.S.A.

Annex I to No. 295

I am sure I am speaking for every one of the Delegates in our group when I say that conferences like these are of the utmost value to India. As India advances steadily but surely to occupy her due place among the nations of the Commonwealth, she must begin to look more and more around and outside of herself. In the past there has been too great a tendency in my country for public opinion to concentrate itself on India's political relationship to Great

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Britain, and too little attention has, I fear, been paid to world affairs. These conferences provide valuable opportunities for India to extend and strengthen her contacts with the United Kingdom and the Dominions on a purely non-official and absolutely equal level. That is why India has always been at pains to arrange to be represented at these conferences, and to make her due contribution to their deliberations.

Some concern has been expressed in certain quarters regarding the part that Great Britain is to play in post-war arrangements for security. There has been a note of anxiety, perhaps even of pessimism, running through some of the speeches and writing on the subject. I cannot help feeling that a satisfactory solution of the Indian problem would serve more than any other single factor to allay apprehension and anxiety on that score. Would it be too much to hope that this Conference might be able to furnish some guidance in that respect? I am aware that the best minds in this country fully appreciate the tremendous importance of that question, and some of them are engaged in grappling with it. Nevertheless, it would be a matter of great satisfaction and gratification and would indeed be a great achievement if this Conference could throw some light on the problem and give a lead towards its solution. The attitude of His Majesty's Government appears to be that they having announced their policy regarding India, it is up to India now to make the next move. I do not deny that the responsibility for the next move does rest upon India, but failing a move from that direction, is Great Britain released from all further liability concerning India? In the interest of the United Kingdom itself, in the interest of the Commonwealth, and I will make bold to add in the interests of world peace and security, the situation must not be permitted to deteriorate any further.

The strains and stresses imposed by the war upon the United Kingdom have not prevented it from making big strides in many directions. She has not been too timid to tackle tremendous and intricate problems of social security at home, and is now engaged upon rearing an admirable structure of social security. In the matter of the Colonies, she has furnished a new orientation to the whole question, and has set herself and the other Colonial Powers a new objective in that field. Herself she is already moving out of strength towards achievement of that objective. In the sphere of foreign relations she has struggled through to an understanding with the United States, and what is still more satisfactory, with the U.S.S.R. Is she content to accept defeat only in the case of India?

I am not unmindful of what are known as "The Cripps Proposals", but whatever their merits, they have failed to resolve the deadlock. Is no further effort to be made by the United Kingdom? May I appeal to you, who are gathered here from all parts of the Commonwealth, to bring constructive minds to bear on this problem with the solution of which are bound up so

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many grave and important matters bearing upon post-war arrangements, so that when victory is achieved, which consummation happily seems to have been brought so much nearer in this month of February 1945, the Indian question may also have been settled. Surely that is well worth striving for.

The problem, as we all know, is both difficult and complex. The various parties in India have taken up mutually exclusive and irreconcilable positions. I have only one suggestion to put forward tonight. Would it not be feasible for His Majesty's Government to announce that it would be prepared to implement any agreed settlement that might be put up on behalf of India, within a period of one year from the cessation of hostilities against Japan, but that failing such a settlement within that period, His Majesty's Government would place before Parliament itself proposals concerning the future constitution of India, designed to place India on a footing of complete equality with the Dominions? It would have to be made perfectly clear that the solution that His Majesty's Government may arrive at would only be provisional, and would continue in force only so long as Indians themselves were not agreed upon an alternative. When an alternative is agreed upon, it would take the place of the provisional constitution. Any decision that His Majesty's Government may arrive at with regard to this provisional constitution will no doubt fail to give complete satisfaction in as much as the claims of every one of the parties in India would have to be subjected to a good deal of pruning to make them fit into any workable constitution. But I am not without hope that, if His Majesty's Government were to undertake this responsibility upon its own shoulders, it would either result in accelerating agreement among the parties in India or in persuading them to accept and work the constitution framed by His Majesty's Government over a long enough period to discover in what respects it was susceptible of improvement.

I would beg you earnestly to forgive me for taking up so much of your valuable time over India, but this matter of a settlement between Great Britain and India lies very close to my heart and that which lies so close to one's heart is bound to well up on an occasion like this. Believe me, issues far more momentous and vital to the future of peace and civilisation hang upon a solution of this problem than is perhaps being appreciated at this moment.

Turning now to the question of post-war security arrangements, which is the principal item set down for discussion on the Agenda of the Conference, may I be permitted to say how happy a coincidence the timing of the Conference has proved to be. The Conference has followed quickly after the Crimea Conference and just long enough ahead of the projected San Francisco Conference, to invest the question with a sense of reality and to enable the Conference to discuss it in all its concrete aspects.

It has been made abundantly clear that every member of the Commonwealth may be relied upon to come into the new security organisation in its

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individual capacity. On this there can be no manner of doubt. But need it stop there? The nations of the Commonwealth have learnt to work together, and to fight together; they understand each other so well that surely there is a great deal of room for co-operation and collaboration within the Commonwealth with regard to world security. The Commonwealth has a very valuable contribution to make by way of constructive proposals, and effort, in the setting up and implementing of the proposed world organisation. May not the Commonwealth, with all its experience of the growth and development of free peoples in voluntary association for certain beneficent purposes, to be in a position to point the way to an effective and efficient world organisation? Would it not bring to the service of the new body that is about to be born, not only the resources of its strength, but also the wealth of its experience and knowledge? Our contributions of strength may perhaps have to be individual (though even these, if co-ordinated, would be far more valuable than their mere sum total); but surely our moral and spiritual contributions would be based upon our common ideals and standards of culture and civilisation that we are all anxious to see established and safe-guarded. How many times the value of these contributions could be multiplied if the Indian question could be settled in advance, may easily be imagined.

Was it not William Pitt who said "England will save herself by her exertions and save Europe by her example"?

Would not the Commonwealth, having saved itself by its combined strength, make its full contribution towards safeguarding the post-war world with the help of its united strength, experience and knowledge?

Annex II to No. 295

The principal changes that have taken place in India since 1938 are mainly related to the war. The war has brought to India a forcible and vivid realization of its own strategic importance, and indeed of its potential strategic domination in all that vast area of oceans and lands that lies between Australia and the west coast of Africa. Early during the war, long before Pearl Harbour, India had become the principal base of supplies in that area. The entry of Japan into the war served still more to emphasize India's vital position in that respect. India has not only proved to be one of the main sources of supply in respect of primary products and raw materials, but has through the rapid mobilisation of its manufacturing capacity and industrial resources, become the principal arsenal of the United Nations in that part of the globe. Some idea of India's great effort in this respect may be gathered from the fact that during the last five years, from being a debtor country, India has converted itself into a creditor nation with large sterling balances. In respect of manpower also, India's effort has been no less remarkable. Without the aid of any measure of

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compulsion whatsoever, she has succeeded in putting into the field 2½ million men, largely officered by their own nationals, who have given and are giving a splendid account of themselves in many theatres of the war. If need arose, this number could easily be doubled and perhaps even quadrupled. The contribution that India has thus made towards preserving the liberties of the nations of the Commonwealth and safeguarding the future peace of the world has not been achieved without creating serious ferment in many directions. The repercussions on India's economic life have been grave, but are also full of beneficent possibilities. Both the supply effort and the manpower drive have created a much larger number of technical and skilled personnel than India has ever possessed before, though the number still falls grossly short of its potential requirements. This is a very welcome change which should go a long way towards helping India in its efforts to balance its economy in the post-war years. But the repercussions are not confined to the economic sphere—indeed they are making themselves felt very strongly in other directions. India is growing impatient of its political dependence on Great Britain. Its sense of disappointment and frustration in the political field is being aggravated by the fear that it may be relegated to a position of inglorious obscurity in the post-war arrangements, the proposals concerning some of which will form the subject matter of discussion in this Conference. The appreciation of India's position in this behalf may, perhaps, be helped by instituting a comparison between India and China. China is to-day freely recognised as one of the four big nations upon whom will devolve the principal responsibility for safeguarding world peace and shepherding and directing human effort into beneficent channels after the horrors of the war have been brought to a close and the miseries engendered by it have to some degree been softened. India does not compare unfavourably with China in respect of population or area. In every other respect China can stand no comparison with India. I have no desire to disparage China in any respect, nor do I wish for one moment to discount an iota of the praise and admiration justly due to that great country for its heroic resistance to Japanese aggression during the last eight years, but it will I am sure be freely recognised that in respect of natural resources and their development, manufacturing capacity, industrial potential, technical and mechanical skill, capital investments, literacy and higher education in the arts and sciences, communications, public health and veterinary services, the maintenance of law and order and the administration of justice and a host of similar matters, India stands far ahead of China whatever may be its position *vis-à-vis* the United Kingdom, the United States and the U.S.S.R. What is it then that makes the claim of China to be ranked among the great nations irresistible and makes the same claim on behalf of India unacceptable and unentertainable? China no doubt possesses an ancient culture, but so does India, and China will be the first to acknowledge the debt it owes to India in the

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cultural field. It may be said that China's claim is admitted on account of its potentialities, but India's potentialities are, I venture to submit, even greater. It may be objected that India suffers from divisions and conflicts, but the divisions and conflicts in India do not threaten to prove more intractable than the differences that divide the Communists and the Kuomintang in China. Though often made a victim of aggression, India has throughout her long history never been guilty of aggression herself. She is no less willing and eager than China to assume and is in a far better position than China adequately to discharge the obligations that her inclusion among the great nations, a position to which she is justly entitled, may entail. Is not then the distinguishing feature between China and India only this, that for good or for ill, China stands on her own political feet, contending against the storms that have threatened and may threaten to overwhelm her independence, while India is politically dependent upon Great Britain? Statesmen of the Commonwealth, does it not strike you as an irony of the first magnitude that India should have 2½ million men in the field fighting and struggling to preserve the liberties of the nations of the Commonwealth and yet should be a suppliant for her own freedom? How long, do you think, will she be prepared to wait? India is on the march. You may help her, or you may hinder her, but none shall stop her. India shall be free, within the Commonwealth, if you will let her and accord to her the place that is her due; without the Commonwealth if you will leave her no alternative.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/102c: f 226

IMPORTANT NEW DELHI, *4 March 1945, 1.15 pm*
SECRET *Received: 4 March, 10 am*

No. 425–S. Superintendent Series. Your 4824[1] March 2nd. I agree to your explaining position to Samuel. Any move at present time would be most inopportune. I will send statement as soon as possible.

[1] No. 293.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/25

SECRET THE VICEROY'S HOUSE, NEW DELHI, 5 *March 1945*

No. 38/4.

In my last letter No. 38/4 of 1st January[1] I told you that I should shortly be sending a memorandum by Auchinleck proposing that the British officers required for the future Indian Army should be found by secondment for a fixed period from the British cadre.

2. Auchinleck has now prepared a memorandum of which I enclose a copy. I shall be grateful if it can be considered urgently.

3. If the principle of secondment is accepted by His Majesty's Government, it is desirable that British officers up to and including the ranks of Commander and Lieutenant-Colonel now holding permanent commissions in the R.I.N. and the Indian Army should be given the option of remaining in those Services or of transferring to the corresponding British Service.

4. For the reasons given in paragraph 10 of the memorandum Auchinleck would like to make an early public announcement about the grant of a limited number of permanent commissions to Indian officers in the Indian Armed Forces during the war. If there is likely to be any delay in reaching a decision on the issue of secondment, I would request the earliest possible approval to the proposal contained in paragraph 11 (*b*) of the memorandum.

Enclosure to No. 297

L/WS/1/924: ff 409–14

PROPOSALS FOR THE FUTURE OFFICERING OF THE ROYAL INDIAN NAVY, INDIAN ARMY AND INDIAN AIR FORCE

PART I

1. H.M.G. is pledged to give India at least Dominion status sooner or later, and this implies the control by an autonomous Indian Government of India's armed forces.

2. This first concern of such a Government of India will certainly be to ensure that these services shall be officered by Indians throughout as soon as may be practicable.

[1] L/PO/10/25.

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This assumption must therefore form the basis of all future plans for the provision of officers for India's fighting Services.

It can, however, be assumed with reasonable safety that the future Government of India is unlikely to jeopardise the efficiency of its armed forces by insistence on too rapid a rate of "Indianization". It follows, therefore, that India is likely to require, for some time to come, the services of British officers to hold those posts to fill which, owing to lack of experience and training, an adequate number of qualified Indian officers is not at present available.

It may reasonably be assumed then that there will be a gradual and progressive process of replacement of the British element in the officer cadres of the three Services by Indians.

It is not possible at the present time to foresee the rate at which replacement will take place or to lay down hard and fast rules to govern it, but the present proposals are based on the principle of planned replacement.

The object of this paper, therefore, is to suggest how best to provide the British officers required for the three Indian fighting Services during the interim period between the end of the present war and the time when the officer cadres will be wholly manned by Indians.

3. There are three main considerations which must govern the solution of the problem.

Firstly, the need to maintain the general efficiency of the officer cadres at the highest possible level, not only during the interim period, but after "Indianization" has been completed, so that the armed forces of India may continue to take their full part in the defence of the Commonwealth in the future as they have done in the past.

Secondly, the need to convince the Indian leaders and the Indian public of our good faith, that is of the sincerity of our intention to hand over full control of her armed forces to the India of the future.

Thirdly, the necessity for safeguarding the interests of the British officers who are willing to serve in the armed forces of India in the interim period before complete "Indianization" can take place.

A further important consideration is that in order to ensure that the transition from war conditions to those of peace shall be as smooth as possible, it is necessary to announce at a very early date the system to be adopted for the future officering of the three Services and to initiate steps to provide the requisite number of regularly commissioned officers for the post-war forces.

4. At present the three Services differ from each other in that, prior to the present war, the Indian Army had a substantial cadre of regular officers, British and Indian, whereas the officer cadres of the Royal Indian Navy and Indian Air Force were very small.

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Moreover, although the officer cadre of the Royal Indian Navy included both British and Indian officers, being similar in this respect to the Indian Army, that of the Indian Air Force consisted solely of Indian officers, such British officers as were serving with it being attached to it and not of it. These differences affect the form of these proposals.

It is considered essential that the general conditions of service for all three Services shall be as nearly as possible identical in order to prevent competition and jealousy in the future.

PART II

5. Of the three Services, the Indian Army is still by far the largest, and the problem of providing officers for it in future is the most important in view of the large number involved.

It will be convenient, therefore, to consider the problem from the Army view-point in the first instance and then to examine it in respect of the Navy and the Air Force.

6. As already explained, the present officer cadre of the Indian Army includes British and Indian officers, the vast majority of whom are at present emergency commissioned officers.

The regular cadre included, however, a number of Indian officers, the most senior of whom have now reached the status of lieutenant-colonels commanding units while some will almost certainly attain to the position of brigade commander in the near future. The number of Indian regular officers is, however, small and will require to be considerably augmented by the grant of regular commissions to Indians now serving as emergency commissioned officers if a properly balanced cadre of Indian officers is to be produced.

Up to the outbreak of the present war the British regular officer of the Indian Army, with comparatively few exceptions, has made the Indian Army his life's career, joining it at a very early age on completion of his first year of service after leaving Sandhurst, and remaining with it until he retired. At regular intervals during this service, usually after a period of three or four years, he would take long leave or furlough of from six to eight months duration in the United Kingdom or one of the other Dominions. This long continued residence in India, with no experience of service in the United Kingdom, tended to make the Indian Army officer parochial in his outlook and behind the times generally in his knowledge of his profession. Moreover, the recurring long periods of furlough, desirable as they were from the point of view of health, were not in accordance with the strenuous tempo of modern army training and life generally. Shorter and more frequent periods of leave out of India were generally precluded because of the expense they would involve to the officer.

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It cannot however be denied that the building up of the vast Indian Army of today from very small foundations was no mean achievement on the part of the relatively minute cadre of regular officers (3052) in existence in 1939.

There is little doubt that with the enormous advances made in military technique during the war and the growing complication of military operations generally, it will be essential in the future for officers of all the forces of the Commonwealth to keep fully abreast of progress and to associate with each other as closely and as often as possible.

This requirement is likely to increase in importance rather than decrease.

Today and for some time to come, it is thought that the United Kingdom must remain the fountain head of military thought and development within the Commonwealth, and that all Dominion forces must be linked with it as closely as conditions of service and communications will allow.

On these grounds alone, therefore, it is highly desirable that the future Indian Army shall in the immediate post-war years be enabled by a frequent turn-over of the British element of its officer cadre to keep abreast of modern military technique.

7. The perpetuation of the present system of the permanent posting of British officers to the Indian Army for the whole of their professional careers must appear to the Indian public as a negation of the declared policy of His Majesty's Government that India shall assume control of her own affairs at no very distant date.

The acceptance of the principle that India's armed forces shall be eventually completely officered by Indians demands that any future system for the provision of the necessary British element in the officer cadre during the interim period must allow for the progressive and continuous increase in the Indian officer element with a corresponding decrease in the British element.

Unless great hardship is to be caused to the British officer element, by their being forced to retire prematurely and so give up what they intended to make their life's career, some system of attachment of regular officers of the British Army appears to be the only feasible solution. The secondment of British officers from the British Army should not only satisfy Indian public opinion as to the genuineness of our declared intentions towards India but also safeguard the interests of the individual British officer.

As has been pointed out, it is most necessary that the armed forces of India in future shall have every opportunity of keeping abreast of developments in military science and equipment. It is therefore important that the association between them and the armed forces of the United Kingdom should be close.

For these reasons it is considered that in future the British officers required for service with the Indian Army should be provided by a system of secondment from the British

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Army, and that the system of permanent appointment of British officers to the Indian Army should cease.

8. Similarly to the Army, the Royal Indian Navy and the Indian Air Force are, it is considered, likely for some time to come to need the assistance of British officers until Indian officers can be obtained and trained in sufficient numbers to take their place, particularly in view of the likelihood of the progressive future expansion of these two Services.

The arguments and considerations regarding the method of provision of these officers for the Navy and the Air Force are similar to those which have been set out in respect of the Army and need not therefore be repeated here. The importance of similar conditions of service for the British officers of all three Services has already been stressed.

PART III

9. The detailed conditions of service under which officers should be seconded from the British to the Indian Services will be the subject of separate correspondence after the principle of secondment has been settled, but it is desirable in this paper to enunciate the conditions broadly. It is considered that they should be as follows:—

(*a*) a seconded British officer should remain on the British pay code and draw Royal Warrant rates of pay plus a colonial allowance for India, plus an "India Service pay", corresponding to the present Indian Army Allowance, for serving with Indian forces. When serving outside India with Indian forces he would draw the colonial allowance of the locality plus his Indian Service Pay;

(*b*) the period of secondment of a British Service officer with the Indian Forces should be not less than three or more than four years, and that between periods of secondment he should be required to serve for an appreciable period (at least a year) in the United Kingdom in order to bring himself up-to-date in his profession.

(*Note:*—An officer would not take long leave or furlough out of India during his period of secondment, though he may be allowed to accumulate leave to be taken at the end of a period of secondment provided this leave does not count against his period of service in the United Kingdom.)

(*c*) so far as is possible a seconded British officer should be encouraged to serve for a second and further periods of attachment to the Indian Forces after completion of his first tour of service with them and should earn an Indian element of pension after his second and subsequent periods of secondment;

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(*d*) a seconded British officer should, on joining an Indian unit or corps, take his place on the roll of officers in accordance with his seniority in his own rank, and that British officers so seconded must, whatever their rank, be prepared to serve under Indian officers;

(*e*) there should be no real grounds on which the Indian officers of the Indian Forces can complain of racial discrimination, so that the chances of full co-operation and comradeship between British and Indian officers serving side by side may not be jeopardised;

(*f*) the Indian pay regulations for the grant of staff and command pay and for the various allowances admissible to an officer should be assimilated as closely as possible with those obtaining in the United Kingdom for both Indian and British officers of the Indian Forces.

PART IV

10. As a first step towards providing the anticipated requirements in officers for the post-war Indian Armed Forces, it is proposed to grant a limited number of permanent commissions to Indian officers in these Forces during the war.

In all three Indian Services there are many young Indian officers holding emergency commissions who wish to continue in the service to which they belong and make it their life's career. In order to encourage them to do so, and thus retain their experience and knowledge for the benefit of the Armed Forces of India after the war, it is most desirable to make an early public announcement to this effect.

In pursuance of the policy suggested for adoption in this note, such commissions, being regular and permanent, can be granted to Indian officers only and not to British officers.

It is considered, however, that an exception must be made in respect of the Royal Indian Navy in that it will be necessary to offer a limited number of permanent special commissions to those European officers of the R.I.N.R. and R.I.N.V.R. now serving with the R.I.N.

The reasons for recommending this departure from the general principle laid down are:—

(*a*) that there are very few officers in the Royal Navy with the requisite knowledge of India to suit them for secondment to the R.I.N.;

(*b*) that the existing need for experienced officers in the intermediate grades of the officer cadre of the R.I.N. is very great at the present time;

(*c*) that the number of experienced Indian officers at present serving with the R.I.N. is relatively very small.

Any requirement in European officers subsequent to the granting of these special commissions will be met in accordance with the principles

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recommended in this paper for adoption in respect of the Indian Army and Indian Air Force.

It is clear that the number of permanent commissions to be granted during the war must be such as can readily be absorbed into the post-war forces and it is proposed, therefore, that the number of such commissions to be granted now shall be well within the minimum anticipated post-war officer strength of each of the three Services.

It is recommended accordingly that the number of permanent commissions to be granted to Indian officers during the war shall be as follows:—

For the Royal Indian Navy
Up to 100

For the Indian Army
Up to 450

For the Indian Air Force
Up to 90

These recommendations are based on most conservative estimates of the probable post-war officer strengths of the three Services and take into account the existing strengths in pre-war regular officers.

Of the 100 commissions it is proposed to offer in the R.I.N., 40 should be offered to Europeans for the reasons set out earlier in this paragraph.

PART V

11. The approval of His Majesty's Government and the Government of India is therefore requested

(*a*) to the principle that in future and until such time as the officer cadres of the Royal Indian Navy, Indian Army and Indian Air Force are manned wholly by Indians, the required number of European officers for the three Services shall be found by secondment from the corresponding British Services, a special and temporary exception being made in the case of a small number of European officers immediately required to take up permanent commissions in the R.I.N.;

(*b*) to the grant at the earliest possible date of a limited number of permanent commissions in the three Services to Indian officers now holding temporary or emergency commissions in the Indian Forces.

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War Cabinet

India Committee. I (45) 9th Meeting (Extract)[1]

L/PO/6/108b: ff 51–6

Those present at this meeting held in Conference Room 'B', Great George Street, S.W.1, on 5 March 1945 at 4.15 pm were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, the Earl of Listowel; Sir Gilbert Laithwaite (Secretary)

INDIA

Position of the Viceroy

THE COMMITTEE resumed its consideration of the Indian problem.

THE LORD CHANCELLOR said that he had unfortunately been prevented from attending the eighth meeting of the Committee, but that he had read the discussion as reported in the minutes, and found himself in agreement with the view of the majority as regards the proposals put forward by the Secretary of State for India in his paper I. (45) (4).[2] In a sense the discussion on that occasion had furnished the answer to the first question raised by him in his memorandum (I. (45) 5, Appendix, Section 1)[3] viz. how far it was possible to conceive a constitutional arrangement for India in which the Viceroy became a mere figure without influence upon or power over executive and legislative action. The Secretary of State's scheme appeared to him to leave the Viceroy in the air, and he found it difficult indeed to consider in what manner under it the Viceroy could intervene at all.

THE COMMITTEE—

(vii) Took note of the views expressed by the Lord Chancellor.

The Indian Army

THE COMMITTEE next considered paragraph 3 of the Note by the Lord Chancellor, dated 3rd January, 1945, printed in the Appendix to I. (45) 5 about the essentials to be fulfilled if a British Army, recruited in Britain and authorised under British law, was to remain in India.

THE LORD CHANCELLOR said that this point also had to some extent been covered indirectly in the discussions in the eighth meeting of the India Committee. He was very conscious of the reality of the difficulties to which attention had been drawn in that discussion.

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THE LORD PRESIDENT OF THE COUNCIL invited the Secretary of State for India to inform the Committee how far Indianisation had proceeded in the officer ranks, and what numbers of Indian officers there were at the present moment available. Assuming for the purpose of argument that by treaty or agreement with the Government of India British troops, on whatever conditions might be laid down, were to be made available for service in India for external security purposes only, would the Indian Army, and if so when, be sufficiently strong and sufficiently ready as Dominion troops serving under the Government of India, independently of any assistance from British troops, to assume complete responsibility for maintenance of internal security.

For the purpose of the argument, account might be taken of the possibility that there would be a percentage of British officers still available to the Government of India, who would however serve directly under the control of that Government, and would not be responsible to, or under the control or protection of, His Majesty's Government. It was essential that we should face up to the problem created by the necessity for providing for external defence and internal security. The extent to, and the date at, which an Indian Army wholly under the control of the Government of a self-governing India could carry responsibility for internal security, under the orders of that Government, was thus of great importance.

THE SECRETARY OF STATE FOR INDIA said that, speaking from memory, he thought there were some 40 Indian Officers now holding the rank of Colonel or Lieutenant-Colonel in the fighting services. There were some eighteen combatant Indian units in the field and a great many non-combatant headquarters commanded by Indian officers. If the recruitment of British officers for permanent service were to cease immediately, his impression was that it would take some ten to 15 years to Indianise up to the top ranks. The Government of India were now considering a policy which was, he thought, under examination in the War Office, of employing in the post-war period British officers for periods of service in India but not for the whole of their service.

There was of course the further problem of having British troops in India, and of protecting them by treaty or agreement from discharging functions of which Parliament would not approve. British officers in the Indian Army after all went to serve in India of their own choice. His own view was that the Indian Army, independently of the support of British troops in India, could under Dominion conditions give sufficient support to an Indian Government to deal with the problems of internal security. While the highest degree of efficiency or performance might not be achieved, it would still in his view be an effective instrument for that purpose. Large numbers of Indian officers had been recruited during the war. Their general standard and conduct had been

[1] The remainder of the Minute relates to Burma. [2] No. 184. [3] No. 188.

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very well reported on, though inevitably there was a slight falling off as the pressure on available manpower increased. The essential thing, in his view, was that a Constitution should be devised which would outrage the feelings neither of Hindus nor of Muslims. If that could be achieved, even with a reduced number of British officers, and allowing for the members [?numbers] of temporary Indian officers who would return to civil life at the end of the war, he thought that there would be no need for uneasiness about the situation.

A condition of any arrangement with His Majesty's Government might be that British officers and troops would not be used in any civil disturbance without prior consultation of, and approval by, His Majesty's Government. Such an arrangement had worked smoothly in Iraq where British Officers had been under their own Commanding Officer, who had given orders to them with the consent of the High Commissioner. It might be possible in the initial treaty, which would perhaps run for a period of ten years, with the new India, to stipulate that the Commander-in-Chief of the whole Army in India must be a British Officer, in which event provision could be made that his prior consent would be required for the employment of British personnel. At a later stage of political development the Government of India would have to apply to His Majesty's Government or their representative for permission to use those troops in certain circumstances in the same way as had been done in Iraq, and, in his view, no substantial alteration in reality of Indian self-government would be involved in their doing so.

His information was that Indian Army units had done admirable service during the Congress disturbances in the autumn of 1942. Arrangements, too, were now under consideration for the establishment of a strong armed military police force which would be under provincial control and which would ease the demands on troops to assist in maintaining internal security.

THE SECRETARY OF STATE FOR WAR felt that a great deal of leeway would have to be made up before the requisite number of trained Indian officers were available. The figures quoted by the Secretary of State compared with a total of tens of thousands of British officers at the moment employed in India. He agreed that if a political settlement acceptable to the bulk of Indian opinion could be reached, that would greatly ease the position, but it was begging the question to assume that that could be relied upon. British regiments had, he thought, normally been used to quell civil disturbances. But he did not feel that British troops could be used for internal security purposes within a Dominion, and while he agreed that the new Government of India would have the Indian Army at its disposal as an alternative force, the communal issue, the fact that in peacetime the Muslims would be over-represented communally in the Indian Army, and the problem of minorities, were all great complications in considering this matter.

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THE SECRETARY OF STATE added that he desired to place on record that a ticklish situation might arise over the position of the Gurkha troops since their recruitment was governed by an agreement between the Maharaja of Nepal and His Majesty's Government. THE SECRETARY OF STATE FOR INDIA said that he agreed as to the importance of the Nepalese issue. Nepal would not send Gurkha recruits to enlist under the Government of India. Gurkha units in the circumstances now under discussion would have to serve in India on the same terms as might be arranged for British troops.

THE MINISTER OF AIRCRAFT PRODUCTION felt that it should not be impossible to frame an agreement satisfactory to this country and to India as regards the basis of employment of British troops in that country under a Dominion system; and that a workable, even if not an entirely foolproof system should admit of being devised. The period of training necessary to equip a sufficiency of Indian officers to hold the highest ranks in the Indian Army, depended, in his view, on the standard and type of training to be required. In the case of the Red Army, that problem had been solved by very rough and ready methods. The broad principle of division of responsibility which looked as though it might emerge was that this country should find the troops to look after external defence while the Indian Army would handle internal security.

THE LORD CHANCELLOR felt that, while the change-over was possible, it would have to be very carefully and shrewdly worked out. At the moment, the Commander-in-Chief, he thought, would use British troops or an Indian regiment as might be most convenient to quell a particular riot. A situation, such as would happen under the type of arrangement that had been under discussion, in which British regiments, *ex hypothesi* highly trained and equipped, would remain in barracks, taking no part, in a town in which regiments of the Indian Army were finding great difficulty in quelling a riot would be a very anomalous one. While the difficulties of drafting an arrangement might not be insuperable, he found it difficult to contemplate the British regiments in India, responsible through British authorities to His Majesty's Government, standing aside in periods of acute civil disturbance. It was essential, therefore, that we should in the first circumstance satisfy ourselves beyond question that the Indian Army would be able to carry the whole weight of the burden of internal security in a self-governing India.

THE SECRETARY OF STATE FOR INDIA said that the basis of any agreement would be that the Government of India asked us to help by making the services of British troops available in certain circumstances and subject to certain safeguards. In addition to provision for the assistance of British troops and of the R.A.F., there would have to be a naval agreement. While it was true that the overwhelming majority of the forces under the naval agreement would have

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to be found by this country, there was full precedent for that in the case of the Dominions. So far as the internal position went, we were assuming a self-governing India, and an Indian Army which would normally be loyal to the Government and responsible for keeping order. If, in the gravest emergencies, British troops stationed in the area had to be called in to help, that did not invalidate the reality of self-government.

THE LORD PRESIDENT said that he wished to repeat that this issue of internal security and the use of British troops was a fundamental one and could not be balked in considering the solution of the problem of Indian self-government. It was vital that we should know whether or not the Government of India would be in a position to maintain order with its own troops. We could not contemplate the establishment of a self-governing Government of India which, though self-governing, had to depend for its existence on British bayonets. It must depend on its own strength and must be capable of keeping order in its own country.

THE COMMITTEE:—

(viii) Took note of the views that had been expressed.

THE LORD PRESIDENT suggested that at the next meeting the Committee should consider the suggestions of the Minister of Aircraft Production and those put forward by the Chancellor of the Exchequer in connection with the Provincial Executives and the making of regional arrangements.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 9 *6 March 1945*

Many thanks for your letter of 22nd February.[1] There are no developments in all-India politics. I will let you know by telegram the result of my interview with Jinnah, which is provisionally fixed for the morning of 7th March. Provincial politics are also quiet except in Sind, and Dow has kept you informed of developments there. Jinnah is very seriously annoyed with G. M. Syed for causing the "crisis" and rebuked him in a comprehensive telegram which has been published and has given great pleasure to the Hindu Press.

2. The budget had a moderate reception in the Legislature, and has been severely criticised in the Hindu nationalist press. Less prejudiced comment,

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e.g., in *Dawn*, the Muslim League paper published in Delhi, and in the British owned newspapers, recognises that Raisman has done pretty well. I am told that the Congress and the League will unite to reject the Budget and the Finance Bill, and I shall probably have to certify for the second year in succession.

We were defeated in the Assembly on 2nd March, on a resolution recommending the abolition of the National War Front. The debate was carried over from the last session, and as the attack on the Front was stimulated largely by Muslim League annoyance at its success under the Unionist Party in the Punjab, Sultan Ahmed hoped to placate the Opposition by making a statement about his new publicity scheme. As you will remember, his idea is to substitute for the present loose non-official organisation, on which we have certainly wasted a good deal of money in some Provinces, a compact official organisation with a properly equipped unit in each district. The scheme has been accepted by all the Provinces except Bombay, though it is disliked both by Bihar and the Punjab. Sultan Ahmed was ill on 2nd March, and Bozman, the Secretary in his Department, had to be put in to speak. I am told he did quite well, but the Opposition were determined to defeat Government, and succeeded. We are not of course compelled to take any notice of the resolution, and Sultan Ahmed will almost certainly recommend that we proceed with his new scheme.

I have already telegraphed to you about the debate on Sections 111 to 121 of the Government of India Act, 1935, which also took place on 2nd March. My telegram[2] will, I hope, have given you an adequate account of Council's attitude and of what happened in the Assembly. Dalal has a good case on the merits; but he has not attempted to work it out in detail. Some commercial activities (e.g., shipping and air lines) are Central responsibilities. But industrial development is a provincial matter except to the extent that development by the Central Government may be declared by Central law to be expedient in the public interest. All political parties, and I think all Provincial Governments, would support Dalal's view that the "safeguard" sections must not be allowed to hamper industrial development by Indian enterprise. On the other hand, there will be differences of opinion about the method of development. Dalal himself has the big business outlook and favours the maximum of private enterprise with the minimum of Government interference. The Muslim League, and Muslims generally, will probably press for State ownership or at least

[1] No. 281.

[2] Tel. 422-S of 3 March which replied to Mr Amery's tel. 145 of 27 February (see No. 291, note 3). Lord Wavell reported that Council at its meeting on 1 March had decided that Sir A. Dalal should only say in the Assembly debate on the commercial discrimination sections the following day that the G. of I. were aware of the difficulties, were already considering them, and would take all possible steps to ensure that planning and development were not hampered by them. However, while dealing with interruptions to his speech, Sir A. Dalal had in fact made a slip and stated that the G. of I. would enter into negotiations with H.M.G. and that the results would be reported to the Assembly. L/E/8/3821: f 486. See also *The Legislative Assembly Debates*, vol. II, 1945, pp. 1003–7.

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State participation on a large scale. This view was brought out clearly at a recent meeting of the Reconstruction Committee of Council over which I presided, during a discussion of State *versus* private ownership and control of air lines. The official view was in favour of private ownership and control, but the Muslim Members of Council and Ambedkar said bluntly that this would mean the exclusion of Muslims and members of the Scheduled Castes from employment in air transport undertakings, and I had to hold the matter over for decision at a full meeting of Council. It is evident therefore that in order to state his case properly, Dalal must have at least a general idea of what industries he considers should be developed centrally, and what the method of developing them should be. We shall then be able to say at this end how far he can go without risking a conflict with the minorities and Provincial Governments, and to what extent we should be justified in approaching you informally about the safeguard sections. The real constitutional position is obscured at present by the undoubted power of the Central Government to use war-time controls to regulate the development of industry, and I doubt if Dalal yet appreciates that once these controls cease, the Provinces will have a lot to say for themselves. Dalal has promised to work his case out in detail and to submit it in Council. I hope I have made it clear in my telegram that it would, in my opinion, be a great mistake for you to refuse even to consider a recommendation by Council on the "safeguard" sections. Given the willingness of His Majesty's Government to eliminate these sections from the future Constitution and to deal with safeguards by agreement, an uncompromising attitude now would make a very bad impression indeed. Both in private talk with Dalal and Mudaliar, and in Council I took the line that it might be possible to make out a good case for His Majesty's Government's consideration, but that it was vital that we should not cause alarm and opposition in the U.K. by premature statements of a general kind. If Dalal was to get substantial sympathy from you, he must be able to show that reasonable development plans were obstructed by the "safeguards". Council took a very sensible view, and it is a pity that Dalal let them down in the Assembly. He is still very bad at dealing with small emergencies in the House, and as soon as he got away from his set speech and tried to deal with interruptions, he lost his head. From the tactical point of view, he was wrong to speak at all when he knew that the debate would be carried over to 4th April, and that under the rules he could speak only once.

3. I have had a talk with Bhatnagar about his visit to U.K. and U.S.A.[3] He is very deeply impressed with the industrial strength of U.S.A., but thinks they will be so busy equipping China that they will have little to spare for India; and that Great Britain and India must work in very closely to prevent the whole Eastern market getting into the hands of an American-backed China.

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4. Council accepted after a very short discussion your decision about Japanese Campaign Pay and the pay of Indian Commissioned Officers.[4] I am most grateful for your help in this troublesome matter. I think the decision is a good one; and I hope everyone will be satisfied.

[Para. 5, on war allowances for Indian services, omitted.]

6. I was most disappointed at the decision to withhold for some months at least the proposed announcement about wheat imports. The maintenance of imports at roughly 40,000 tons a month, to come in with military cargo, is better than nothing, but it is not adequate. Prices are again rising and our position is far from secure. I very much doubt if we will be able to give any regular help to Ceylon—in fact a decision that we could not do so was just about to be taken when you informed the Food Department that you were making a further official reference. Casey is still uneasy about Bengal, and in present conditions we cannot export any substantial quantity of food without a firm guarantee of replacement by a stated date.

7. Our arrangements for the conferences about the World Security Organisation are taking shape. Mudaliar and Firoz have agreed to serve as delegates, and Mudaliar will lead. I note your doubt about the suitability of Krishnamachari as the third member of the Delegation.[5] The alternative would be a Hindu Prince, and possibly Patiala or Kashmir might be ready to go. But I think someone like Krishnamachari would be more useful at conferences of this kind, and that we might include a Prince only in our Delegation to the final Peace Conference. I believe that from the security point of view, Krishnamachari would be as safe as anyone. He was, as you know, a permanent official before he went to Baroda, and I believe him to be discreet. Most of the 21-gun Princes are likely to approve his selection—Baroda, as was to be expected, does not think him suitable. I hope to mention the arrangements for the conferences at the next Council meeting, and to discuss with Council later in the week the general terms of our Delegation's brief for the London

[3] Sir E. Jenkins' note of his interview with Sir Shanti Swarup Bhatnagar on 23 February 1945 is in Wavell Papers, Notes of Important Interviews, 1944–7, pp. 30–1.

[4] In tel. 2368-S of 23 December 1944 replying to Mr Amery's tel. 948 of 30 November 1944 (see No. 134, note 8), Lord Wavell had suggested a further compromise solution which had been agreed between General Auchinleck and Sir J. Raisman. In tel. 3807 of 8 February 1945, the Secretary of State informed the G. of I. War Department that he had reached the following decisions, based on this compromise: a special war pay was to be granted to Indian Commissioned Officers to equate their basic pay with that of British Officers of the Indian Army; Japanese Campaign Pay was to be paid to both British and Indian personnel of the Indian Army serving east of India, but to neither category in India; a compensatory allowance should be paid where necessary to bring the pay of a British Officer of the Indian Army up to that of his counterpart in the British Army plus J.C.P.; the cost of the increases in pay should be apportioned between the British and Indian Governments in accordance with the Defence Expenditure Plan. L/Mil/6/File 1255 of 1947.

[5] Expressed in tel. 4594 of 27 February. L/E/9/1525.

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Conference. I agree with you that final instructions for San Francisco cannot be given until after the London Conference has taken place. Menon, who is on sick leave from Chungking, has agreed to serve as head of the Secretariat. I have not yet selected the senior soldier, and Mudaliar showed some reluctance to take Gregory as Economic Adviser. But I have no doubt that the official team will be settled within the next few days.

[Para. 8, on the appointment of a supervisor of Indian physical training and recreation, omitted.]

9. I am sending by this bag a copy of a letter of 26th February[6] from Bhopal. I intend to give him a fairly stiff reply, of which also you will get a copy.[7] It would be convenient to get the Chamber machinery working again, but there is no special urgency about it.

10. Khare has made no new move about South Africa, and according to press reports, Deshmukh has made a sensible start. He told a Press conference shortly after his arrival that he would have nothing to say until he had studied the situation for some little time. He added that he thought disputes between two Governments were better dealt with confidentially than publicly. I quite agree that Mudaliar might have a talk with Smuts during the London Conference. For the moment interest in South Africa seems to have lessened—possibly because of the decision that the offending Bills were beyond the competence of the Natal Council.

[Para. 11, on the preparation of a statement for the Far Eastern Committee, omitted.]

12. Casey has informed me that the Royal Asiatic Society of Bengal have suggested, after a discussion with Morray, that the Society should act as the agent of the British Council in India. The idea is that a special Secretary should be appointed, two-thirds of whose salary would be paid by the Council. The Society is not wholly Indian, but I understand there are many Indian members, and Shyama Prasad Mookerjee is the President. This is an interesting development and I shall be grateful if you will keep me informed of the British Council's views about it. Bhatnagar has returned from his tour full of enthusiasm for the Council and has suggested to Gwyer that he might interest himself actively in getting it established in India. So I think there is now a certain amount of genuine Indian interest and our decision to discourage a formal approach by the Council in 1943 was probably right. If the Council can get started without active Government intervention, it will probably succeed.

[Para. 13, on the new Director of Seamen's Welfare, omitted.]

14. I presented five V.Cs. at a special parade on 3rd March. These parades are very well done and attract a large number of spectators.

[6] No. 288. [7] No. 301.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/521: f 21

IMPORTANT NEW DELHI, *7 March 1945, 1.05 pm*
SECRET *Received: 7 March, 10.15 am*

430–S. Superintendent series. Jinnah who was to have seen me this morning, has arrived in Delhi but is ill and has postponed the interview. I will telegraph again when new date is fixed.

301

Field Marshal Viscount Wavell to the Nawab of Bhopal

L/P&S/13/982: ff 93–4

No. 681/2 *7 March 1945*

My dear Nawab Sahib,

I thank Your Highness for your letter of February 26th.[1] I feel that I must begin my reply by correcting a misapprehension which you seem to me, from paragraph 6 of your letter, to entertain about the status of the Political Department, to give it its correct title. This Department simply acts as the Secretariat of the Crown Representative and is the instrument through which he directs his policy. The letters of the Department of November 26[2] and December 2[3] were not only written in accordance with my personal instructions but were most carefully considered by me before issue. The second of these letters had received the approval of His Majesty's Government before it was signed by the Political Secretary.

Your Highness will therefore realise what careful consideration the representations of the Princes had received, before the issue of the letter of December 2. But this does not mean of course that it was intended to close the door on further discussion of the matters in it. I do not think that either I or any of my distinguished predecessors can fairly be accused of failure to hear and to give the fullest attention to any representation which has ever been made by or on behalf of the Indian Princes. The long history of the relations between the British Crown and the Indian States supports me in this statement.

I feel bound, however, to state quite clearly my view that the method adopted by the Standing Committee of summary resignation after only the briefest

[1] No. 288. [2] No. 112. [3] No. 98 as amended by No. 118.

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consideration of the Crown Representative's important letter was not the course best calculated to bring about such further discussion. Such an expedient was unsuited both to the constitution of the Chamber of Princes, and to the relationship in which the Princes stand both with the Crown Representative and the British Crown.

I do not propose in this letter to pursue in detail the matters of complaint to which Your Highness refers in paragraph 4 of your letter, though I am of course not thereby to be understood as acquiescing in your statements.

Your Highness will gather from the above particulars which I have felt bound to put clearly to you, that there can be no question of a bargain such as you suggest in paragraph 4[?6] of your letter; but that the Crown Representative will be prepared, as always, to hear with the fullest attention any further considerations which the Princes wish to place before him; and will give them every opportunity to do so.

I still think that much the easiest and quickest way to restore the machinery of the Chamber of Princes, about the desirability of which I am in full agreement with Your Highness, would be to arrange with the Princes concerned that their resignations should be withdrawn. I feel also that this course would be more consonant with the dignity of the Princely Order. I have, incidentally, never quite understood how the resignations of those Princes who are members of the Standing Committee in their own right can become effective.

If, however, Your Highness feels it necessary that bye-elections should be held for those members of the Standing Committee who are subject to election, I am prepared to agree that this may be done. Is it the intention of Your Highness that there should then be fresh elections to the offices of Chancellor and Vice-Chancellor?

I conclude by expressing to Your Highness my deep regret that this difficulty has arisen in relations which have been marked for so many years by so much cordiality, friendship and mutual assistance; and my hope that relations of our former co-operation may be speedily restored. The friendly relations between the Crown Representative and the Princes have fortunately remained unaffected.

Yours sincerely,
WAVELL

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Minute by Mr Dibdin

L/E/8/4869: f 284

7 March 1945

Mr. Baxter

I think it is perhaps mildly relevant to this problem[1] that I have had to listen, during my visit to India, to attacks made upon the manner in which the India Office does its business, and the main point of attack has been that we seem to assume that if we give instructions to the Government of India, that is the end of the matter, and that those instructions can be carried out as easily as they would have been thirty years ago. The attackers (Coates and Raisman are cases in point) pointed out that the Home Member and the Finance Member are in a minority of two to eleven in the Council and that neither they nor, in the last resort, the Viceroy is really able to carry out instructions to which their colleagues are not prepared to agree. I suppose that to make this literally true it would be necessary to add, short of a major crisis in which the non-official Members of Council would resign. But I gather that that type of crisis is regarded by the people concerned as very near to them at all times and overshadows their attitude to all kinds of business in the Council. All this makes the idea of the Viceroy acting as a representative of H.M.G. even more of a fairy tale than ever and, of course, it does nothing to weaken the importance which attaches to those intermediate functions indicated in your note of the 7th February.[2]

My visit has done nothing to weaken my belief that whole-hearted representation of H.M.G. in India is desirable and since it is beyond the power of the Viceroy or any member or servant of the Government of India to function in that capacity, it is desirable to initiate a High Commissionership or something equivalent thereto.

Owen[3] may improve, but at present he seems to take a very restricted view of his functions.[4]

A. DIBDIN

[1] Namely the proposal, which had been under consideration in the India Office, to appoint a U.K. High Commissioner to India.

[2] In his minute of 7 February, Mr Baxter stressed that while the Secretary of State was bound to use the Viceroy as the instrument of control over the Govt of India, he was perfectly free to use some other agency for purposes, such as conciliation or the making of representations, which fell short of control. Although the use of a separate agency had its difficulties and objections, so now did the use of the Viceroy and Mr Baxter felt they must seek some *via media* which would involve the minimum of embarrassments. L/E/8/4869: f 327.

[3] Mr R. Owen, Senior U.K. Trade Commissioner in India, Burma and Ceylon. In a letter of 11 November 1944 to Sir P. Liesching, Mr Owen had pointed out that, at present, while he could help

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the import trade of British based companies, the protection of the interests of British owned Indian companies was the responsibility of the Secretary of State for India. Mr Owen did not feel he could intervene on behalf of these latter companies without some special mandate from the Secretary of State for India. L/E/8/4869: f 341.

4 Arising out of these deliberations the India Office prepared a draft Memorandum on the 'Representation in India of United Kingdom interests' for discussion with Lord Wavell during his visit to London. *Ibid.*: ff 261–8. It is not clear whether the Memorandum was in fact discussed.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *8 March 1945*
Received: 14 March

Things are beginning to move pretty rapidly, what with the Russians closing in on Stettin and the Americans and ourselves clearing the west bank of the Rhine—very soon, I imagine, along its whole length. I suppose we are now in for a few weeks' pause before either Rhine or Oder can be seriously tackled, but after that it ought to be pretty near the end. However, you will be judging all that for yourself when you come over later in the month, and very possibly this letter of mine may miss you.

2. I think your idea of a War Memorial on West Point lines,[1] i.e., giving a first-rate all-round education with a military bias, but not making it necessary for students to go on into the Services, is very sound and I hope you may be able to see it through on a really big scale. You are, of course, aware that Canada has a similar institution at Kingston, and Australia at Duntroon near Canberra. Duntroon was started by the late General Bridges after personally visiting West Point, Kingston and our own Military Colleges, and I was immensely impressed by it when I visited it in 1913. It certainly turned out a splendid lot of young officers. The whole training was of the most Spartan character and no cadet was allowed any pocket money and there was no opportunity for any class or money distinction between them. I wonder whether it might not be worth while, before finally deciding the exact lay-out of your new college or university, to send someone (Himat Sinhji, for instance) to visit West Point, Kingston and Duntroon and report. Another question that arises is whether your Memorial College or university is to be purely military in the narrower sense, or is to include Navy and Air Force. I hope it is the latter, for as war develops the three elements will become increasingly interlocked, largely through the medium of air transport, and a certain grounding in knowledge of aviation will in future be an essential part of the education both of sailors and of soldiers.

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[Para. 3, on Mr Amery's views on the future of the U.K. Army, omitted.]

4. I have made enquiries about the failure to consult India about the amalgamation of P.A.I.C. with the Middle East Command which you mentioned in your letter of 21st February.[2] The explanation is that a telegram sent by the Chiefs of Staff at the beginning of January when the proposal began to take shape was intended to be repeated to India but was not sent owing to a clerical error. The omission was not noticed for almost a month—in fact, I believe not until you drew attention to it. As a result, the telegram did not reach India until the beginning of February. The views expressed by Auchinleck in his telegram of 9th February were taken into account before the amalgamation was finally approved, and I am assured that there was certainly no intention of not giving India an opportunity of commenting on the proposal. My Office were, of course, aware of the proposal from the outset, but as Mayne had been told in Delhi before coming here that India did not wish to shoulder any additional responsibilities in connection with P.A.I.C. at the present stage, the absence of comment from India on the telegram, which it was thought had been repeated to India, did not cause any special surprise.

[Para. 5, on Mr Pillai's visit to London in connection with shipping questions, omitted.]

6. Your further telegram[3] about Dalal's reasons for wishing to get rid of the economic safeguarding provisions in the 1935 Act does of course raise a very important issue. If Dalal can really show that the existence of these provisions is in fact holding up reconstruction plans, then it may be necessary for us to bring the matter before the Cabinet and press strongly for the necessary action. The issue might indeed become a critical one, for neither you nor I could face a situation in which we allowed legislation that is avowedly destined to disappear to impede India's development. That is always assuming that it really does have that effect by continuing to stand on the statute book for the time being.

7. Zafrulla seems, from all I hear, to have led the Indian delegation at the Commonwealth Conference with great ability and to have made a considerable impression with his main argument that undue delay in setting India on her feet in one way or another will gravely prejudice the chances of her remaining within the Commonwealth. You and I do not differ from him on that point. On the other hand, if it comes to creating an interim constitution for India pending agreement, I can think of no better interim constitution than the present one, with such minor trimmings as will be involved in bringing the legislature up to date and getting rid of the economic safeguards. Any other

[1] See No. 290, para. 11. [2] No. 275, para. 14. [3] See No. 299, note 2.

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constitution which we attempted to devise here would probably be repudiated by everyone, and more particularly by Jinnah as emphasising our intention to prejudge the case against Pakistan; whereas keeping the existing constitution going would not have the same psychological effect.

8. I hope Jinnah's illness will not create any serious delay in your coming over. Attlee, who is Chairman of the Cabinet India Committee, will be pretty busy from April 4th onwards with the Commonwealth discussions on World Organisation, so that it would be a good thing if you were here fairly soon after the middle of the month.

9. What I am not quite clear about is whether, supposing Jinnah is really running out and you have no immediate advance to put before the Cabinet on that issue, you still feel that it would be useful for you to come over now, or would in that case prefer to await the report of Sapru's Committee, which I gather will not be till about May.

PS.—Many thanks for Shankar's cartoon. I have written to him.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/621: f 23

IMMEDIATE INDIA OFFICE, *9 March 1945, 2.20 pm*

5402. Superintendent Series. My telegram of the 2nd March, 4824[1] and your telegram of the 4th March, 425-S.[2] I should be grateful if I could have by next Tuesday your suggestions for a considered statement and in particular your advice as to the reply to be given following Parliamentary question which Sorensen has put down for Thursday, 15th March. Question asks whether it is the intention of H.M.G. to detain the Congress leaders until Japan is defeated, or indefinitely so long as they do not satisfy the requirements of the government.[3]

[1] No. 293. [2] No. 296.

[3] In his further private tel. 168 of 10 March, Mr Amery stressed the importance of Lord Wavell sending his suggestions by Tuesday 13 March as he had to see Lord Samuel before answering Mr Sorensen's P.Q. L/PO/6/102c: f 224.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 38

IMMEDIATE NEW DELHI, *12 March 1945, 3.55 pm*
SECRET *Received: 12 March, 11.45 am*

No. 464-S. Superintendent Series. I really must know soon when H.M. Government are prepared to receive me. I see no occasion to wait for Jinnah's recovery (he is said to have pleurisy) and I have (?decided) in any event not to see Desai again before coming home. It was originally decided that I should come home to discuss my memorandum of September 7th[1] last September.[2] Desai's proposals are only incidental development. It is much more important for me to know H.M. Government's mind than those of Desai or Jinnah. I hope therefore that you will press the Prime Minister for very early decision.

[1] No. 19; the date should read 20 September.
[2] 'come home to discuss my memorandum of last September.' in Wavell Papers.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/621: f 4

IMMEDIATE NEW DELHI, *12 March 1945, 6.25 pm*
SECRET *Received: 12 March, 3.30 pm*

465-S. Superintendent Series. Your telegrams 4824[1] and 5402[2] of 2nd and 9th March respectively. Political prisoners.

2. Following is considered statement. *Begins:—*

Para. 1. Latest total number of persons detained without trial is 7,433 made up as follows.

(I) Calcutta gangsters detained by Government of Bengal 2,273.
(II) Hurs detained by Government of Sind 2,160.
(III) Bengali terrorists 1,222.
(IV) Enemy agents and agitators other than those in (V) below and miscellaneous 425.
(V) Congressmen (including members of Working Committee) detained by Central and Provincial Governments in connection with 1942 disturbances 1,353. Total 7,433.

[1] No. 293. [2] No. 304.

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The release of persons in first four categories would obviously not repeat not be in the public interest with possible exception of a few in category (IV) which includes about 150 Congressmen detained not in connection with 1942 disturbances.

Para. 2. All persons in the fifth category are detained in connection with 1942 disturbances. Of 1,353 detention orders only 31 were passed by Central Government and remainder were passed by Provincial Governments. Generally the persons detained on political grounds have been connected with 1942 disturbances or forward bloc or Congress Socialist Party activities, and would be likely to give further trouble of same kind if released.

Para. 3. The main immediate task of the Government of India is effective prosecution of the war. India is base of substantial forces of United Nations and it is essential to maintain law and order and uninterrupted lines of communication. An important factor in maintenance of law and order is efficiency of economic controls. The Congress Party has from the first been indifferent or hostile to the war effort and since the disturbances of 1942 (which were largely an attack on the communications of forces defending India against the Japanese) there has been little to show that attitude of the party has changed. Since his release Mr. Gandhi has stated that he has no intention of resorting to mass civil disobedience "under present conditions", but his "constructive programme" is designed to rehabilitate Congress as an instrument of sustained political agitation and action against some of his workers has already been necessary. There is a tendency to interfere with economic controls. The Government of India cannot at present risk a serious internal political conflict.

Para. 4. Constitutionally the Government of India would not ordinarily interfere with discretion of Provincial Ministries to detain persons without trial. The Government of India and all Provincial Governments have however agreed on a policy of gradual release of such persons with due regard to the safety of India as a base. In pursuance of this policy the number of persons detained without trial in connection with the 1942 disturbances fell from just under 10,000 in June 1943 to about 5,500 by January 1944, 2,075 by October 1944 and 1,353 by February 1945. The number now detained is small in a population of nearly 400 million, equivalent to about 150 in the United Kingdom.

Para. 4 (sic). The Government of India and (? Provincial Governments) will continue the policy of gradual release but no general simultaneous release of Congressmen (including the members of the Working Committee) can be contemplated until either the war with Japan ends and internal conditions have settled down or owing to a political settlement or other causes it is clear that such a release would not repeat not endanger India as a base. *Ends.*

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3. I suggest the following reply to Sorensen. *Begins:* It is not intended to detain the Working Committee indefinitely. The Government of India will consider their release when they are satisfied that it will not prejudice the maintenance of law and order and the safety of India as a war base. *Ends.*

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Mr Amery to Mr Attlee

L/PO/6/108b: ff 35–6

SECRET INDIA OFFICE, *12 March 1945*

My dear Clem,

I enclose a copy of a telegram[1] just received from the Viceroy from which you will see that he now wants to come home before having further conversations with Desai and Jinnah. I had naturally assumed from paragraph 3 of telegram 397-S[2] of the 25th February that Wavell did not want to come here until he had seen Jinnah and this telegram is the first I have heard of his not wishing to see Desai again before coming here.

It is quite correct that before Desai made his démarche we had agreed that the Viceroy should be asked to come here to discuss his own proposals and in telegram 921 of the 11th January,[3] which was sent with your concurrence, Wavell was told that the best time for his visit would be "towards the end of March".

I understood from what the Prime Minister said on this subject in the Cabinet about ten days ago that he was prepared to leave it to you and me as to when the Viceroy should come here. I do not think it would be wise to try and postpone his coming much longer and I should be disposed to fall in with his wish to come pretty soon. We shall in any case need about a week's notice to make the travelling arrangements, so that he could not get here in much less than a fortnight from the time a decision is taken.

Perhaps you would like this matter discussed in the India Committee? If so, I suggest that it might be taken at the meeting on Wednesday afternoon. We could perhaps ask Dorman-Smith to come a quarter of an hour later than the other members, so as to consider this first.

For convenience of reference I enclose a note which shows the course of the previous correspondence with the Viceroy on the subject of his coming here.

Yours ever,

L. S. AMERY

[1] No. 305. [2] No. 287. [3] No. 192.

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Enclosure to No. 307

1. After discussion of the Viceroy's proposals in the India Committee the Committee reported to the Cabinet[4] that the views of all members of the Committee were wholly adverse to the Viceroy's proposals, though the Secretary of State for India and the Minister of Aircraft Production were not prepared to come to a final decision until there had been an opportunity for the Viceroy to visit this country. The Committee felt it to be desirable that there should be a discussion with the Viceroy in London and that the best time for this would be after the Sapru Committee had reported. This was approved by the Cabinet and on the 11th January the Viceroy was informed in telegram 921 that H.M.G. considered that the best time for his visit would be "towards the end of March". By that time it would also be apparent whether Sir T. Sapru's Committee was likely to make any positive contribution.

2. On 12th January (telegram 81–S)[5] the Viceroy replied that he considered this delay most unfortunate.

3. On January 14th[6] the Viceroy reported the original interview between his Private Secretary and Mr. Desai. This led to an interview between the Viceroy and Mr. Desai which took place on the 20th January.

4. The Viceroy reported this interview on the 21st January in telegram 157–S.[7] As a result two further telegrams were sent to him asking him to elucidate the situation further (telegrams 2095 and 2096 of the 26th January).[8]

5. The Viceroy in telegram 227–S[9] of the 30th January recommended that H.M.G. should authorise him at once to ascertain officially the willingness of Desai and Jinnah to co-operate in forming a government.

6. On 3rd February (telegram 2749)[10] the Viceroy was authorised to see Jinnah and Desai on the basis that there would be no commitment and solely for exploratory purposes.

7. Delay arose owing to Jinnah's illness. On 10th February the Viceroy telegraphed (63–S.C.)[11] that he proposed to see Jinnah soon after the 17th. He would inform H.M.G. of the prospects of success after seeing Jinnah and Desai and any others he thought necessary. He then added:

[*There follow the last three sentences of No. 257.*]

8. On 13th February[12] the Viceroy was informed that the proposed date for visit could not be altered without consultation with the Prime Minister but that if the outcome of the conversations with Desai and Jinnah was encouraging Secretary of State would be ready to urge the Prime Minister to agree to his coming home earlier.

9. On 15th February the Viceroy, in telegram 80–S.C.,[13] said that before he fixed a date to see Desai and Jinnah he wished to know the earliest date on

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which the Cabinet would discuss the question with him at home. He was informed in reply[14] that the Secretary of State would ask the Prime Minister to fix a date for his visit when the Prime Minister got back to this country, but he did not expect it to be earlier than the middle of March.

10. On 22nd February[15] the Viceroy telegraphed that Sir John Colville had been briefed to take a preliminary sounding of Jinnah, which he did on the 24th February.[16] Jinnah said he would be coming to Delhi on the 6th March and would be glad to discuss Desai's proposals thereafter. A meeting was fixed for 7th March. The Viceroy commented that Jinnah was being evasive and he doubted "if he would be ready to come home before the middle of March". Subsequently, on the 7th March[17] the Viceroy reported that Jinnah had postponed the interview owing to illness.

[4] No. 147. [5] No. 196. [6] No. 197. [7] No. 215. [8] See No. 231, note 6.
[9] No. 237. [10] See No. 242, note 7. [11] No. 257. [12] No. 261. [13] No. 262.
[14] See No. 265, note 2. [15] No. 277. [16] See Nos. 283 and 287. [17] No. 300.

308

Note by Mr Gibson[1]

MSS. EUR.D. 714/68

Undated

Assuming that India acquires the status of a fully self-governing unit inside the British Commonwealth, and therefore that the Governor General holds a position similar to that of the Governors General in the Dominions, and assuming that H.M.G. must retain control over such British troops as may remain in India, there would be a constitutional difficulty in the exercise of this control by the Governor General. It is suggested as an alternative that British troops should be under the Crown Representative.

Provision for the Office of Crown Representative as the authority for the exercise of relations between the Crown and the Indian States, was made in the Govt. of India Act, 1935, and the office came into being in April 1937. It was formally constituted by Letters Patent of 5th March, 1937. This assignment to a separate office of part of the functions previously exercised by the Governor General (though for the time being the Viceroy holds both offices) was made to meet the claim of the States that the authority through whom their relations with the Crown are conducted should be free from the influence of popularly elected Ministers. That is, the office of Crown Representative

[1] Mr Gibson sent this note to Mr Patrick and Sir D. Monteath under cover of a minute dated 12 March 1945.

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was designed for the position under Federation—even though the Federating States were in Federal matters subject to the Federal authority—but there was no immediate need in 1937 to bring the office into being and it is open to question whether it would have been thought necessary to do so then had it been foreseen that the existing constitution at the Centre would have remained so long unchanged. How long is the Office likely to remain in being in an India which is fully self-governing and in which the States have become an integral part of an all-India Union? The functions of paramountcy, as exercised by the Crown over the States, will certainly become attenuated and their exercise might quickly become politically and practically impossible. It may be assumed that if India acquires full Dominion status it will be considered impossible for the Office of Crown Representative to continue to be held by the same person as holds the office of Governor General. Thus the permanency of the office cannot be relied on; its functions are likely to diminish and its dignity and prestige will be reduced when no longer associated with the person of the Governor General.

What are the present functions of the Crown Representative? They are in the main of a diplomatic nature. For their discharge he maintains a service of officers, the Indian Political Service; he controls a small police force; and permanently or temporarily exercises administrative powers in certain areas; but on the whole his executive functions are limited. Two provisions of the Govt. of India Act now in force enable him to rely on the resources of British India; Section 145 enables his expenditure to be met from the revenues of the Federation (i.e. at present of the Govt. of India); and Section 286 enables him to call in the assistance of the armed forces, maintained by the Federation or, as at present, by the G[overnor] G[eneral] in C[ouncil]: but these provisions are specifically related to the conduct of the relations of the Crown with the States. Therefore the present powers and functions of the Crown Representative are not such as to make it a suitable arrangement to place British troops exclusively under him. The only argument in its favour is that the Crown Representative (or whichever the title of the person who will discharge his functions in future) will be a highly placed authority in India who will continue to be subordinate and responsible to H.M.G.

The analogy of the position in Iraq has been invoked; but the parallel is not clear. The comparison must lie not with Iraq while under mandate but with Iraq after it acquired independence and became a member of the League of Nations. Its relations with Great Britain are governed by the Treaty of 1930, under which the High Commissioner was replaced by an Ambassador. Provision was made for co-operation in foreign policy and for mutual assistance if either party should become engaged in war. For the maintenance and protection of the essential communications of His Brittanic Majesty, a purpose recognised to be in the common interest of the parties to the Treaty, air bases

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are granted to His Majesty with authority to maintain forces thereat, "on the understanding that the presence of those forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Iraq". The R.A.F. Squadrons stationed in Iraq in consequence of the Treaty are not "under" the Ambassador: the Air Officer Commanding acts directly under the orders of the Air Ministry, though no doubt he maintains close contact with the British Ambassador. Article 5 of the Treaty makes it clear that responsibility for the maintenance of internal order in Iraq and, subject to the provisions relating to mutual aid, for the defence of Iraq from external aggression, rests with H.M. the King of Iraq. The military problems in India are of a very different order; but is it conceivable that British forces might be stationed in India for a term of years for external defence only, not placed "under" either the Governor General or the Crown Representative (or the British High Commissioner) but under a Commander in Chief taking orders direct from H.M.G.?

Before any progress can be made with the question of machinery certain fundamental problems have to be faced. Why are British troops to remain in India? Is it solely on India's behalf for the protection of the country from *external* aggression? Or are wider Imperial interests to be served at the same time—the protection of air and sea communications lying through or near India, the maintenance of bases in India or the protection of India itself for use as a base for the purpose of Imperial defence arrangements? In neither case, and particularly in the latter, does it seem possible to exclude the assumption that British forces may be called on to intervene for the maintenance of internal order—in the former, to protect their lines of communication & interior bases, in the latter to prevent the wider Imperial interests from being endangered. The political set-up in India is also fundamental. The problem of control over British forces would arise even in the preliminary stages of the transference of political control, e.g. to a provisional "national" government set up to prepare the way for a permanent constitution; but there should be no insuperable difficulty in making professedly temporary arrangements with a provisional government. But when a new constitution has been brought into force and India acquires, at the least, full Dominion status, a conflict arises: H.M.G. could not maintain British forces in India for external defence under their control without also sharing in the control of India's foreign policy, the consequences of which may bring those forces into action.[2] British troops can remain in

[2] Mr Patrick minuted at this point: 'I suppose it is arguable that naval bases in S. Africa & Eire did not involve this consequence, but occupation of a land frontier would certainly do so.'

Sir D. Monteath added: 'The surrender of the bases in Eire facilitated that country's adoption of a foreign policy (neutrality) different from that of H.M.G. Contrariwise the adoption of that policy w[oul]d have caused the surrender of the bases.'

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India only by agreement with the new Indian Government ("No Imperial troops will be retained in this country except at the request of or by agreement with the new Indian Union or Unions" said Sir Stafford Cripps—Coupland, III,[3] p. 157); but will political India readily agree to the diminution of full Dominion Status involved in sharing or surrendering control over foreign policy? Only if the new India is convinced that she cannot unaided maintain her own defence arrangements, and probably only then by her partnership in a wider Imperial or even international defence system covering the Indian Ocean, South East Asia, and presumably also Australia.

[3] See No. 48, note 3.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/8/10: f 20

IMPORTANT INDIA OFFICE, *13 March 1945, 3.45 am*
SECRET

174. Superintendent Series. Although date for your visit here is not yet actually fixed I think it would be as well to consider what will be the best course as regards publicity in relation to it. I suggest that official communiqué be issued from 10 Downing Street and simultaneously in India on the following lines. *Begins.* H.M.G. have invited H.E. Field Marshal the Rt. Hon. Viscount Wavell, Viceroy and Governor-General of India, to come to London by air for personal consultations. H.M. The King has been pleased to approve that during His Excellency's absence H.E. the Rt. Hon. Sir John Colville, Governor of Bombay, should act as Governor-General and Crown Representative, and that Sir Henry Foley Knight should act as Governor of Bombay during the absence of Sir John Colville. *Ends.*

2. There will of course be a great deal of speculation here and in India as to objects of your journey. I think announcement should be confined to bare statement of fact and doubt if we can usefully embellish it but I should propose here to interview Lobby Correspondents myself and take the line that at the stage now reached in war it is natural that H.M.G. should wish to confer personally with you on the whole range of Indian questions including the constitutional problem. With a view to avoiding wild speculation I should however imply that it was not to be assumed that any sudden and far-reaching move would necessarily follow your journey but that consultations are to enable H.M.G. to obtain your views after 18 months of office at first hand and to review situation.

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3. I should be glad to know whether you agree with this general line and text of proposed communiqué as time will be very short when date for your visit is actually fixed. Question of guidance to press in India is for you to consider but I should be inclined to say nothing and allow guidance given here to percolate to India during your visit.

4. With a view to avoidance of cause for press speculation I would suggest that Reforms Commissioner should not accompany you in your plane but travel independently so as to arrive shortly before you. I should perhaps warn you that, as I expect you realise, there is no likelihood of my colleagues agreeing that Menon should attend your discussions with them.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 10. *13 March 1945*

Many thanks for your letter of 28th February.[1] Jinnah is said to have pleurisy, and I am informed that his doctors cannot say at present when he will be about again. In the meantime Desai is reported to be talking rather loosely to his friends, to some of whom he has offered portfolios in the new Government. I cannot wait indefinitely for Jinnah, and there would be no object in my seeing Desai again by himself. I hope you have not overlooked the fact that my original suggestion that I should come home was connected with my own proposals of last September, and that Desai's approach, which was made much later, is really a side issue. I am far more concerned to know the mind of His Majesty's Government than the mind of Jinnah and Desai, and I am telegraphing to you suggesting that I should now come home without further delay.[2]

2. There have been several more Government defeats in the Assembly. The most important was on a Cut Motion censuring the Executive Council, and some of my colleagues are a little on edge. The alliance between the Congress and the Muslim League, who have nothing in common and no constructive policy, has reduced the Assembly proceedings to a farce. The Opposition can defeat Government on any division, and will combine to do so even when the long term interests of the Congress and the League are quite different. The main idea at the moment is probably to try and impress on me that my Council

[1] No. 291. [2] See No. 305.

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has no public support and that I had better get another. The torrent of destructive criticism and abuse is most exasperating to my Colleagues, and the present relations between the Executive Council and the Legislature are one of the signs that the existing state of affairs cannot continue indefinitely.

3. There are further complications in Sind. Ghulam Hussain Hidayatullah hoped to survive the Budget Session by bringing into the ministry Maula Bakhsh, brother of the late Premier Allah Bakhsh. Maula Bakhsh came in only on the understanding that he would not be required to join the Muslim League, and the Premier was confident that with his support he would get a majority in the Assembly. The Central Parliamentary Board of the League is now reported to have called upon the Premier to resign and to form a new Cabinet in which all the Muslims must be League members. The result may be known before this letter is posted. The Premier may comply or rebel, but judging from Dow's reports he may prefer to retire from active politics.

4. I repeated to you Cunningham's report about Aurangzeb's troubles, and my reply.[3] If Aurangzeb is defeated I doubt if it would be wise to prorogue the Assembly in the hope that he may be able to re-establish a majority. This is what Dow did in Sind but conditions there were rather different, and prorogation gives an opportunity for disreputable party bargaining. Cunningham should certainly try to form an alternative ministry, but I doubt if he would get a satisfactory one, especially if he insists on support to the war effort, which is essential.

5. Khizar spoke for an hour in the Punjab Assembly on 8th March about Shaukat's dismissal. . . .[4] It is unfortunate that Khizar has been forced to make a public statement of this kind. I believe that for the present at least he has an assured majority in the Assembly, and his statement about Shaukat was accepted by the House in spite of an even longer and rather intemperate reply by Ghazanfar Ali Khan. But the fact is that when Shaukat was dismissed Khizar was wobbling and leaning heavily on the Governor. Shaukat's evident disloyalty to the Unionist Party and his colleagues in the Cabinet would certainly have justified Khizar in demanding his resignation, and if he had done so he would be in a much more satisfactory position now.

6. I am sending by this bag a private and personal letter from Casey[5] which he wishes you to see. Casey is obviously depressed—I am told he is not very well—and feels that much more ought to be done from here for Bengal. We are so strained ourselves at the Centre that we cannot do very much, and Bengal has had far more help than the other Provinces. According to the figures supplied to me here we are employing at the Centre only 22 members of the I.C.S. from Bengal against a normal quota of 20. We have forced the other Provinces to lend Bengal 40 Civil Servants. We have returned to Bengal by request

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sixteen of their officials formerly employed in Central posts, while we have refused similar requests from other Provincial Governments. Finally, we have sent to, or earmarked for, Bengal, 54 out of about 82 officers recruited from the Army for Civil employment. In addition to all this the Commander-in-Chief has made quite a large number of officers (e.g., Wakely's Transportation Organisation) available to Bengal, and, as you know, Casey secured some others from the Middle East. On the financial side, in addition to the grants for A.R.P. and Police, which we gave to all Provinces, we have made a subvention to Bengal of approximately Rs. 10 crores, and undertaken to meet one half of the trading losses on the turnover of rice stocks. We have also made loans amounting roughly to Rs. 11 crores. On the whole I do not think Bengal has been done as badly as Casey thinks, and his Ministers were admittedly slow in imposing new taxation and supporting the savings drive. I will let you have copy of my reply[6] to Casey's letter.

7. I sent you, on 7th March, a copy of my reply[7] to Bhopal's letter of 26th February[8] to which I referred in paragraph 9 of my last letter.[9] The attitude of the Princes is still hard to understand. In a recent talk with Hallett, Rampur was very spiteful about the Political Department in general and Wylie in particular. In conversation with me, at the time of the resignations, Rampur said that he had resigned under compulsion and had done his best to prevent the "crisis". But I have every reason to believe he was really one of the ringleaders. His State has done extremely well out of the War, and I think he is afraid we may introduce legislation to reduce his profits.

8. Arrangements for the World Security Conference now seem well in hand. I think all our Delegates should go to London, but the total strength of the party, excluding clerical staff of whom there will be two or three, should not exceed five or six. When we were on the point of making our announcement Firoz asked to see me and said he thought that a Prince should have been included instead of Krishnamachari. Firoz had told me before that Patiala was most anxious to go, and he may also have been asked by Bhopal to put the point to me. I still have an open mind about the selection of a Prince for San Francisco, and if at the London discussions it seems clear that a Prince would

[3] In tel. C.A. 20 of 9 March (repeated to Mr Amery in tel. 452-S of 11 March), Sir G. Cunningham informed Lord Wavell that a vote of confidence against Sardar Aurangzeb Khan's Ministry would be debated on 12 March and that the Ministry seemed likely to be defeated. In this event, he intended to ask Dr Khan Sahib to form a Ministry but expected him to refuse. The Governor then considered other alternatives including the introduction of Section 93. In tel. 451-S of 11 March to Sir G. Cunningham (repeated to Mr Amery) Lord Wavell agreed with the proposals but stated that any Congress candidates must undertake to co-operate whole-heartedly in the war effort. Moreover, he felt the Governor should go into Section 93 immediately if the attempt to form a Ministry failed. L/P&J/8/659.

[4] Personal comment omitted. [5] No. 292. [6] See No. 292, note 3. [7] No. 301.

[8] No. 288. [9] No. 299.

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be useful at the main Conference I am prepared to send one. If a Prince is included we should I think have first to offer it to one of the big ones, probably Kashmir, and I am not clear how he would fit into an entirely Indian delegation at a Conference in which the States have so little direct concern. I have no doubt that our selection of the Delegates will be much criticised. The Nationalist view is of course that we should have sent representatives of the Congress and the Muslim League.

The Commander-in-Chief was informed by Mayne that a very senior officer would not be needed as the Adviser to the British Delegation would probably be a Major-General. The Commander-in-Chief suggested Brigadier Reynolds, Mayne's assistant, with Major-General Cawthorn as second choice if Reynolds could not be spared. Mayne has now said that Reynolds could not be spared so I have agreed to Cawthorn being proposed.

9. I am sorry we have had to decline His Majesty's Government's offer to send us wheat in exchange for the export of Bengal rice to Ceylon. I went into this carefully, but we are short both of wheat and of rice, and the fact that His Majesty's Government cannot at present announce a long-term import programme for wheat does not make things easier. If the Bengal Government could spare rice our first duty would be to supplement the wholly inadequate rice ration on the West Coast. We have had great difficulty in popularising wheat and the other hard foodgrains in the Southern rice eating districts. But the Bengal Government cannot release a substantial part of their stocks until they are clear about the prospects of the *Aus* and *Boro* crops, and the early conditions for the next *Aman* crop. As I have already told you, Casey is still apprehensive and his view is entitled to great weight. So the export to Ceylon of rice which we need ourselves in return for wheat which we doubtless need, but in addition to and not as a substitute for rice, is not possible in present conditions. I have still to give much heed to the psychological factor, which would be very upset by any exports.

10. Khare has to deal with the South African problem on a Resolution in the Council of State on 14th March. He proposes to take a mild and sensible line, which may succeed in the Council of State. He is bringing the main case concerning economic sanctions up in Council again on 21st March. I am not sure yet what line he intends to take, but we may be able to postpone a decision unless there is another attack in the Assembly. I am hoping that Mudaliar may be able to discuss the whole problem informally with Smuts in London.

[Para. 11, on Sir F. James' statement of the Indian case to the Commission preparing a new constitution for Ceylon, omitted.]

12. There has been some dispute between the Americans and the Bengal Government recently about a proposed round up of Chinese deserters in

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Calcutta. Chinese soldiers have deserted in large numbers and many of them are said to be living in the Chinese quarter of Calcutta, where they present a complicated security problem. The Americans were keen on a spectacular operation involving the use of quite a large number of troops. The Bengal Government pointed out to the Government of India that the scrutiny of Chinese workmen at various depôts and factories, where the Americans thought many deserters had secured employment, had given a great deal of trouble and had led to very little. Apart from this, an elaborate operation of the kind proposed might lead to fighting in a crowded part of Calcutta and cause danger and inconvenience to the Bengali population. The Bengal Government thought systematic raids on isolated houses would be preferable and much easier to carry out. The American Commander concerned finally said, in a rather rude letter, that the Chinese forces had now moved forward and that he was no longer interested in the raid. I am told that the Americans would still be very glad to get the deserters back, and in view of the security aspect I asked Casey to go into the matter himself with O'Connor and see what could be done. Casey has now reported that O'Connor is not much in favour of the big operation originally proposed. I shall be seeing O'Connor very shortly and will discuss the matter further with him.

13. We are now planning for the restoration of Civil Government in the Andamans and Nicobars. The staff will have to go in first as part of the civil affairs organisation and will ultimately take over when the re-occupation is complete and things have settled down. The Home Department were making rather heavy weather of the business, but I have now discussed it with Mudie and Mountbatten and think we can do what is required. It is always difficult to find officials for new duties, but the number needed for the Andamans is not very large.

14. I asked the other day whether we were likely to be faced with large demands for stores and equipment (steel, railway rolling stock, river-craft, medical stores, etc.), for Burma and Malaya after the re-occupation. The Departments have given me the rather unsatisfactory reply that the elementary needs of the civil population will be met by the South-East Asia Command through the Civil Affairs Organisation for a period of six months after re-occupation begins. The Command will then hand over responsibility to the Civil Governments. Nobody here seems to know what the Civil Governments have done or propose to do about their requirements, which will obviously be very large and urgent. I am making further enquiries here and may have to telegraph to you about this. I do not want to be told when the time comes that India is expected to find all sorts of things which we have not got or can ill spare. When I was Commander-in-Chief in 1941 I pointed out that when the Japanese attacked Burma, India would have to take charge and had better do

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so at once. I was told I was mistaken, but on December 11th, two days after the Japanese attack on Malaya, I was ordered to take over Burma. I do not want again to have the baby passed to me at short notice.

15. The Foreign Office seem to have made an unnecessary fuss about conveying our thanks to Norway and Cuba for their help during the Civil Aviation Conference at Chicago. The telegram to Cuba has been very badly delayed. The matter is not of vital importance, but I can see no reason why India should not be allowed to indulge in courtesies of this kind if we think them necessary. Fortunately the Departments concerned are External Affairs which is in my charge, and Posts and Air which is under Usman. A more critical Member of Council might have been annoyed by His Majesty's Government's unwillingness to co-operate. It is this kind of petty tutelage that annoys Indians.

16. I am glad you have agreed to my selection of Corfield to succeed Wylie. The choice was not an easy one, and I had another look at Corfield, who was here the other day for a Residents' Conference, before making my decision. He is certainly not too young—at 51 most men are probably as good for practical purposes as they are ever likely to be—and he has had extensive experience in the States. I do not think I could properly have passed him over for an outsider who was not clearly outstanding. I doubt if Lockhart has the general experience needed. I do not know Puckle well, but I am told that when he left India he did not expect, and probably did not wish, to return. He did not strike me as a very operative person, but he may have been tired at the time.

I have telegraphed to you[10] about Wylie's visit. Wylie himself is quite prepared to go, though as he is going home on leave in July the journey would have been rather a nuisance to him. I feel that there would be little point in sending him home when the interval between his return and his departure from the Political Department would be so short.

17. I have not yet thanked you for your letter of 16th February,[11] enclosing the memorandum by Professor Ryle, Dr. Janet Vaughan and Sir Weldon Dalrymple-Champneys about their Indian tour. I agree that the memorandum is interesting and stimulating, but I doubt if wholesale condemnation does very much good. I believe there are two main obstacles to progress. The first is the poverty of India which is very real and cannot be lightly dismissed. The Memorandum says that at home Rs. 54 per head per annum is spent on medical relief alone. I suppose that the total revenue per head per annum in our Indian Provinces is from Rs. 5 to Rs. 10, and although there is some independent expenditure by local authorities, and revenue may be considerably increased in the next ten or twenty years, I can see no hope of Indian standards approaching

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those of the U.K., or the United States. Secondly, as the authors of the Memorandum recognise, western medicine competes in India with the indigenous systems and most of the people prefer their own remedies to those of western doctors. This means that, except in the large towns, private medical practice is not profitable, and almost all medical relief, in addition to Public Health measures, must be a direct charge on the State. If the financial obstacles could be lowered and the people could be given more confidence in western medicine, I believe that the constitutional and other difficulties would be less troublesome. The sticky attitude of Governors and officials, which seems to have made a great impression on the authors of the memorandum, is not entirely due to defeatism. People who know all the facts and are trying to provide all the necessary services in a Province (Police, Law Courts, Roads, and the dry bones of the administration, as well as the nation-building services) on resources less than one-tenth of those devoted at home to medical relief by itself, are naturally disinclined to encourage the idea that there could be an immediate revolutionary change in standards. But I fear there is some defeatism too. Many senior officials feel that during the last 25 years His Majesty's Government's policy has been to let the administration of India slip in the hope of securing political advantages which are not yet apparent. The blame for administrative failure is now likely to be placed, as it apparently is by the authors of this Memorandum, on the Services themselves. I have told you before that I expect a good many British officials will wish to retire, as soon as they are permitted to do so, after the War, and I do not see how we can stop this.

I am told that the Bhore Committee's report will be ready by the end of April, but this is probably an optimistic estimate. I hope it will be a good report, and I agree that it ought to be given full publicity. But the Committee is a rather mixed body and I am not sure that it includes any skilled draftsmen. Bhore himself could do the job and I understand he is taking a considerable part in the drafting, but he has probably not done anything of the kind for a great many years.

18. I held an Investiture for the New Year's Honours on 10th March. Rajpipla and Cooch-Behar stayed with us for it. Rajpipla, who is in poor health, is very anxious to visit the U.K. this summer, and in spite of the difficulty of return passages, and the probability that other Princes will wish to follow

[10] 448-S of 9 March which was on the lines of this para. In tel. 5706 of 14 March to Lord Wavell, Mr Amery agreed there was now less advantage in a visit by Sir F. Wylie but suggested that if Mr Corfield was taking leave before assuming the Political Advisership, he might visit London at the same time as Lord Wavell. In tel. 502-S of 16 March, Lord Wavell informed Mr Amery that Mr Corfield was taking leave at once and should be available during his visit. L/PO/10/25.

[11] L/E/8/4486. Professor Ryle, Dr Vaughan and Sir W. Dalrymple-Champneys had visited India to give evidence to the Health Survey and Development Committee (Bhore Committee).

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suit, I have told the Political Department that I do not think we can say no. Cooch-Behar is quite a pleasant young man and I understand is doing quite well.

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Mr Attlee to Mr Amery

L/PO/6/108b: f 34

PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.1,
13 March 1945

My dear Leo,

Many thanks for your secret letter of 12th March[1] about the Viceroy's visit. I, like you, had been expecting that a decision about the date of the Viceroy's visit would have to wait until we saw what came out of his conversations with Desai and Jinnah.

I should like, of course, to help the Viceroy as much as possible, but I am certain that it would not be wise to encourage him to come home in the near future. The India Committee has still a good deal of ground to cover: and it would be well in any case to have had the report of Sapru's Committee before Wavell arrives.

But apart from that, as you say yourself, it will take a fortnight from the date a decision is taken to get him here. That will bring us close to Easter. Immediately after Easter there will be the Commonwealth Conference which will keep us all pretty busy for the following ten days. And once that is over I have to go to San Francisco with our delegation. I do not know how long I will be away, but it might well be a month in all and I should very much like to be here myself for the discussions with him. As you know, the Prime Minister wants the India Committee to deal with him in the first instance and it is all the more important that we should be at full strength. It seems to me quite certain that if the Viceroy comes in the next six weeks or so, it will not be possible for Ministers to give him the attention he is entitled to.

Taking all this together my own view is that the right time for a visit would be the beginning of June. I cannot see the least sign in any of the reports that have been circulated that the internal situation in India is deteriorating in any way, or that the delay that there has been has made any difference, and that is a further relevant fact.

I should have to ask the Prime Minister's approval to any arrangements made about the Viceroy's coming home. But the case seems so clear that I do not think I need bother him about a further postponement. I suggest that you reply to the Viceroy that his telegram has surprised us, as we had assumed

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from the previous correspondence that we should hear the outcome of the further enquiries he was making before there was any question of his coming home. Apart from that, we have always wanted to see the outcome of the Sapru conversations. In any event, with Easter and then the Commonwealth Conference and then my own absence, there is no hope of Ministers being able to give him the attention they would wish in the next six weeks or so; and that our view therefore is that the beginning of June would be an appropriate time for his visit.

I do not think it is necessary to trouble the India Committee with this.

Yours ever,
CLEM

[1] No. 307.

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Mr Amery to Sir S. Cripps

L/PO/6/108b: ff 15–16

INDIA OFFICE, *13 March 1945*

My dear Stafford,

I have been thinking further over my own proposal[1] for giving Dominion status, or as near as we can towards it, to India under the existing form of government, rather than inventing an entirely new interim government for the purpose.

Many of the criticisms voiced in the Cabinet Committee[2] were of course criticisms of any form of self-government for India and do not specifically affect my proposal. The real objection is (*a*) that the Governor General himself is left in the air, not accountable to anyone if he should embark on a policy of extravagant autocracy, and (*b*) that his Executive being hand-picked by himself might become a mere tool of his personal policies.

I realise that these objections must be met, though I do regard them myself as more theoretical than real. The Governor-General is not likely to overrule his Council except for very good reasons and in fact has not done so in the last five years. India is a country with a very vocal and independent Press and a no less vocal and critical Legislature in which the Government has at any rate to defend itself, even if it can survive defeat or certify legislation. In those conditions the Viceroy, even when he cannot get the support of the organised great Parties, naturally takes care to invite on to his Council men of a recognised respectability and political or administrative experience. The present team may not be outstanding, but it contains several men of real ability like Mudaliar,

[1] See No. 184. [2] See No. 289.

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Dalal and Ambedkar, while the rest are reasonably competent and representative, in the wider sense, of most aspects of Indian life.

However, I have thought of one or two possible ways of meeting the Committee's criticism. One that has occurred to me is to retain the right of any two Members of the Viceroy's Council to appeal to the Secretary of State if the Viceroy should overrule the majority of his Council. In other words, while abandoning the positive interference of Whitehall in Indian affairs, to reserve the Secretary of State for an ultimate arbiter in case the Viceroy really ran off the rails. The objection to this is no doubt that this constitutes *pro tanto* and for the time being a diminution of India's status. Also there is the difficulty that if the Secretary of State backs up the Viceroy Indian opinion may suspect that the Viceroy was originally put up to it from here, while in the opposite event the Viceroy's position might be made difficult or even impossible. I recognise these objections, but they are after all hypothetical objections to a hypothetical situation which is not likely to arise, so that I think this modification of my original suggestion may be worth considering.

I have, however, thought of a bolder alternative which cuts out interference from here but does not leave the Viceroy as an unlimited autocrat, even hypothetically. That is to allow an appeal from the overridden Members of Council, not to the Secretary of State, but to the Supreme Court, whose duty it will be to consider whether the Viceroy's action had exceeded the limits of that reasonable consideration for the security and welfare of India prescribed in the Act. Indians pay great attention to legality and there is much to be said for giving the Supreme Court some of that power of influencing constitutional development which has been exercised by the Supreme Court in America. I wonder very much what you would think of this.

As regards the Executive being in the air, that would be met in practice if the convention were once established that the Viceroy's Executive is chosen from a comparatively small list of names put up by the leading Parties. That might derive more precise constitutional form if they (or most of them) were actually elected for him on Swiss lines by the Legislature. In that case, however, the representatives of the different communities might have to be elected by communal panels in the Legislature in order to ensure some sort of agreed proportion in the Executive itself. Another alternative would be for the Government of each Province to submit a small list from which the Executive should be chosen, arrangements being made here again to secure a sufficient representation for the minorities.

I have been thinking further over your suggestion that something in the nature of the Soviet House of Nationalities might be useful if we have to draft a consttuition ourselves. I am inclined to doubt whether it would really help much at the Centre. On the other hand, something of the sort in the shape of an Upper House might be very useful in the Provinces, especially in order to

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give some sort of effective representation to the Untouchables who are otherwise too scattered and unorganised to be able to help themselves. The whole of the problems that most affect them are of course within the Provincial ambit. Something of the kind might also help ultimately to meet the situation of the scheduled or backward areas.

Wavell has just telegraphed[3] to say that Jinnah has pleurisy and that he wants to come back anyhow without waiting to see Jinnah. We must discuss that at our next meeting, I think.

Meanwhile, Dalal wants us to get rid of the economic safeguarding clauses in the existing Act, on the ground that he cannot get ahead with his reconstructions schemes if subsidies for their development have compulsorily to be accorded to British firms. It does seem to me that if he can really make out a clear case that he is being held up over this we ought to give way. After all we have agreed that these so-called safe-guards must disappear when there is an Indian Constitution, and getting rid of them now would be an obvious earnest of our genuine intentions for the future.

Yours ever,

L. S. AMERY

[3] No. 305.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 23

IMPORTANT
SECRET

NEW DELHI, *14 March 1945, 9.55 pm*
Received: 14 March, 9.15 pm

484-S. Superintendent Series. Your telegram 174[1] of March 13th. Proposed announcement should include reference to fact that Colville is senior Privy Councillor among Presidency Governors. This is most important. Otherwise I accept your draft.

2. I agree with line you propose to take with home press. In India my departure will excite wildest speculation. We cannot avoid this, but I think it essential to make short statement bringing out clearly the fact that my visit is not a new idea but was planned six months ago long before Desai's approach. I suggest the following draft. *Begins*. Last September, towards the end of his first year in office, the Viceroy suggested that he might at some convenient time before the end of the war report personally to His Majesty's Government on conditions in India. His Majesty's Government agreed and intimated that a

[1] No. 309.

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discussion in the Spring of 1945 would probably be convenient. The Viceroy's visit to the United Kingdom has been arranged accordingly. His discussions with His Majesty's Government are likely to cover a wide field, not excluding political situation. *Ends.*

3. I am not sure what security precautions are now enforced for flights to United Kingdom. If security is not your (? omission)[2] I presume announcement would be made before I leave New Delhi. But if journey is to be kept secret it should be made after I have left India and Colville should be sworn in privately before it is made. I shall be grateful for your views.

4. There would be no point in sending Menon separately. His departure would inevitably be connected with my own and he may as well come with me. I never supposed that Menon or for that matter Jenkins would be permitted to attend discussions in Cabinet. I need them for preparatory work outside. But I hope you will not exclude Menon from discussions to which British officials are admitted. He is perfectly reliable. We can discuss this at home.

[2] 'if security is no object', in Wavell Papers, Political Series.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: f 30

IMMEDIATE INDIA OFFICE, *14 March 1945, 2.45 pm*
PRIVATE

170. Superintendent Series. My telegram No. 5758.[1] I know this will come as a disappointment to you.

2. Consideration which weighs most heavily with me is the desirability of Attlee being here during your visit. India Committee undoubtedly carries weight with Prime Minister and if we are to obtain kind of objectives which you and I favour it is most important to carry them with us. I should judge that with Attlee absent our difficulties would be much increased. I hope therefore that you will accept the revised programme. I feel sure it will be wise to do so. If you care to ask in reply for definite date early in June to be fixed now I will do my best to secure that.

[1] No. 315.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: ff 28–9

IMMEDIATE INDIA OFFICE, *14 March 1945, 5 pm*
TOP SECRET

5758. Superintendent Series. Your telegram No. 467–S[1] of 12th March. We had been assuming that your visit was not now to take place until you had seen Jinnah and subsequently, if that seemed likely to be profitable, Jinnah and Desai together. It is true that when your memorandum of 20th September was the only matter before us we said in January that towards the end of March would be the best time for your visit, but that was before the development with Desai. Paragraph 3 of your telegram 397–S[2] left us all with the impression that you did not want date for your visit fixed until you had seen Jinnah.

2. I have consulted Attlee[3] on your telegram 464–S. We realise that it will be disappointing to you, but we have come to the conclusion that it will now be best to postpone your visit until early in June. Attlee, who is Chairman of Committee, is one of our delegates to San Francisco and will be much occupied with Commonwealth World Organisation Conference from 5th April, will leave for America about 20th and does not expect to be back in less than a month. Prime Minister wishes your discussions to be held with India Committee of Cabinet in first place and it is important from every point of view that Committee should be at full strength. Meanwhile Cabinet Committee here are steadily pursuing study of all aspects of the whole constitutional problem.

3. We cannot see any sign from the reports of your Government that the internal situation in India is deteriorating in any way or that delay that has taken place already has had any serious effects. We do not feel that in this respect a further postponement till June is likely to make any vital difference. Matters to be discussed with you are of highest importance and it is really essential that Ministers here should be in a position to give them the attention they deserve. Cabinet Committee has itself always felt there would be advantage in waiting until outcome of Sapru Committee is available and repercussions to it in India can be seen. I understand Sapru is likely to produce results of his Conference in May, so that date early in June would fit this.

[1] No. 305; the number should be 464–S. [2] No. 287. [3] No. 307.

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The Nawab of Bhopal to Field Marshal Viscount Wavell

L/P&S/13/982: ff 73–5

HEADQUARTERS, 52ND INFANTRY BRIGADE,
BUNDI, BHOPAL STATE, *14 March 1945*

My dear Lord Wavell,

I am very greatly obliged to Your Excellency for your letter of the 7th March[1] and I can assure Your Excellency that no one can regret more deeply than my brother Princes and myself that "relations which" as Your Excellency truly says, "have been marked for so many years by so much cordiality, friendship and mutual assistance", should have been subjected to the strain which recent events have placed upon them. That these relations, to which we all attach so much importance, should be relieved from such strain is, I can assure Your Excellency, the earnest wish of us all, and I venture to hope that Your Excellency will agree that this result is much more likely to be attained if the issues involved are faced frankly and fairly. So far as the Princes are concerned, they ask for justice and fair play, not for any favours.

If I take the liberty of referring to one or two matters which Your Excellency has stressed in your letter, it is in no spirit of controversy that I do so, but with the desire to see that the action of the Princes receives fair and equitable appreciation, and that their case does not suffer from lack of adequate representation.

2. Your Excellency has been pleased to imply that the Princes were hasty in adopting the course of resignation on receipt of the letter of 2nd December 1944.[2]

A consideration of the facts will, I hope, satisfy Your Excellency that whatever other charge may be made against them, it cannot be one of precipitate action. Your Excellency is aware of the sequence of events in this connection. The Princes, after the most mature consideration had drawn up a statement dealing with some of the most important and urgent questions which, in their view, called for very early settlement. That statement had been subjected to the most exhaustive and patient examination at the hands of the Committee of Ministers and the Standing Committee of the Chamber before it was presented to the Political Department. Its contents were set out in some detail by me during the course of a personal talk with Your Excellency. Thereafter they were again fully discussed when you accorded a most patient hearing to the Princes' deputation in September 1944.

The eventual reply was conveyed in the letter of 2nd December 1944. From the time taken in replying to them, the Princes were justified in concluding

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that their case had received protracted attention and that, in the absence of any suggestion to the contrary, the letter conveyed the final and not the tentative or provisional conclusions of the Authority competent to deal with the matters concerned. That the Princes were justified in attaching the greatest weight to this document which conveyed decisions on matters of the most vital import to them, is now I think further established by the fact which Your Excellency has been good enough to disclose, namely, that it had received the prior approval of the Secretary of State. This letter, while refusing the requests to which the Princes attached the greatest importance, contained no indication of any opening for further discussion. This was indeed a very sad and severe blow which shattered all hopes at the most critical period of the history of the Indian States.

There was no need for the Princes to spend much time in considering the letter of 2nd December. They were, as the above facts will show, fully seized in detail of all the matters in issue and their bearings.

Never-the-less, I can assure Your Excellency that many anxious hours were spent before the Princes came to the conclusion that no other step, than the one they took, was open to them in justice to the Body which had elected them, viz. the Chamber. Resignation seemed the most appropriate means of conveying the fact that they had failed in the task imposed on them, and could do no more in advancing it, and at the same time of registering their protest against the conclusions conveyed to them.

3. Your Excellency has expressed the view that resignation was unsuited "to the constitution of the Chamber, and to the relationship in which the Princes stand both with the Crown Representative and the British Crown". Your Excellency will, I hope, agree that this must be a matter of opinion. In the view of the Princes, no other constitutional course was open to the office-bearers of the Chamber, and the step taken by them was both the only proper method of indicating to the Princes of the Chamber their inability to fulfil their duty to the Chamber, and the most dignified and emphatic means of recording their protest against decisions which vitally affected the treaty rights of the Princes and the future of the States. The Princes are concerned in maintaining not merely their personal privileges. It is their duty to safeguard the rights and interests of their peoples, and the decisions in question affected matters of life and death to the States.

4. Your Excellency has been pleased to observe that you do not understand "how the resignations of those Princes who are Members of the Standing Committee in their own right, can become effective".

I, for one, have never raised this question nor have I offered any views upon it. I would, however, express the purely personal opinion that an indication

[1] No. 301. [2] Enclosure to No. 98 as amended by No. 118.

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by any such Member that he did not propose to take part in the work of the Standing Committee would for all practical intents and purposes have the effect of a resignation. I may be permitted to add that as a matter of fact only one Prince belonging to the group of those who are Members in their own right is affected by the resignations.

5. Your Excellency, I would take the liberty of pointing out, has mistaken the purport and intention of paragraph 6 of my letter of 26th February 1945.[3]

May I assure Your Excellency that nothing was farther from my thoughts than the suggestion of any bargain. A careful perusal of this part of my letter will, I hope, convince Your Excellency that the alternative procedure which I indicated as a possibility was not prompted by any spirit of bargaining or by any desire to make terms.

The Special Committee of Princes had, at its meeting in Bombay, resolved that Your Excellency should be requested to take the necessary steps to hold bye-elections as soon as possible, and these would of course involve fresh elections to the office of Chancellor and Pro-Chancellor. The purport of this Resolution was conveyed by me to Your Excellency in my letter of the 9th February.[4] Your Excellency in reply[5] suggested that the easier course to enable the Chamber machinery to function was the withdrawal of their resignations by the Princes. I explained to Your Excellency that it would be difficult for the Princes to withdraw their resignations if the circumstances which gave rise to the resignations remained materially unaltered. I ventured to indicate the nature of certain assurances which if given, would create a new situation justifying me in placing the matter before my colleagues for a reconsideration of their position.

I had no intention to suggest a bargain. I merely tried to give Your Excellency some idea of the way in which the alternative to bye-elections which Your Excellency desired viz. the withdrawal of the resignations, might be brought about.

I agree that the withdrawal of their resignations by the Princes concerned would be the less cumbersome and quicker procedure. But I am sure Your Excellency will appreciate the impediments to this, just as I appreciate Your Excellency's point of view. I am ready to help in the removal of these impediments, and if Your Excellency considers that a personal discussion would help to resolve the difficulties, I am at Your Excellency's disposal.

I intend to be in Delhi on the 24th March in connection with an Air Force Conference with His Excellency the Commander-in-Chief, and shall be at your disposal the whole of that morning. I have the Conference in the afternoon, and would like to return to Bhopal the same evening if I have the time to do so.

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6. I quite appreciate that Your Excellency is not yet in a position to pursue in detail the matters of complaint referred to generally in paragraph 4 of my letter of 26th February last.

No statement of the reasons for the resignations would be complete without specific reference to the bitter complaints which States have to make in connection with the treatment received by them from the Political Department. The Princes have not understood the policy underlying that treatment particularly during a period of such stress and strain, and when the States have co-operated with the Crown to the fullest extent of their capacity, and opportunity, in all matters relating to the successful conduct of the War. I use the term "Political Department" advisedly for I feel that whatever the position may be in theory, it is unlikely that his Excellency the Crown Representative, with his many onerous responsibilities in other fields, could reasonably be expected to concern himself with every detail of the Department's day to day dealings with the States. When the occasion for this arises, I hope it will be possible to satisfy Your Excellency that there are the strongest grounds for the complaints [to] which I refer and which, if not met fairly and justly, may continue to subject our relations to a strain which it is in every one's interest to see eliminated. Your Excellency's assurance in this connection, given in your letter of the 7th March will, I am sure, give the liveliest satisfaction to all the Princes as will the statement that the letter of 2nd December was not intended to close the door on further discussion of the matters referred to therein.

7. I take the liberty of drawing Your Excellency's notice to the report that the Secretary of State promised in Parliament,[6] a few days ago, to make a statement in connection with the resignation of the Princes. May I suggest to Your Excellency the desirability of considering whether it would be advisable to make any pronouncement of a nature other than routine, without affording the Princes an opportunity of stating their case fully.

8. I would like, in conclusion, to thank Your Excellency again for the letter to which this is a reply, and assure Your Excellency that our desire to see the friendly relations between the Crown Representative and ourselves, to which Your Excellency referred at the conclusion of your letter, not merely maintained but strengthened is as strong as it ever was. It has always been our endeavour to guard those relations against impairment. All that we ask for is Your Excellency's sympathy and help in obtaining justice and fair treatment, and an early settlement of the outstanding question to which the Princes attach the greatest importance. This the Princes regard as essential for the preservation of their Sovereignty and internal independence and welfare of their peoples.

[3] No. 288. [4] No. 255. [5] No. 269.
[6] See No. 291, para. 13.

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The process of weakening the States and their treaty position continues to cause the Princes a great deal of alarm and anxiety.[7]

With best regards,

Yours sincerely,
HAMIDULLAH

[7] In his reply of 20 March, Lord Wavell told the Nawab of Bhopal that he would have been glad to have a talk with him on 24 March but that for reasons which would be public by the time his letter was received, this would not be possible. Lord Wavell, however, hoped to be able to invite him to New Delhi before long. L/P&S/13/982: f 75.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108b: f 24

IMMEDIATE
SECRET

NEW DELHI, *15 March 1945, 10.35 pm*
Received: 15 March, 8.45 pm

489–S. Superintendent series. Your 5758.[1] I must protest in strongest possible terms against the proposal of H.M.G. that my visit should be postponed till June. The Indian problem will not wait indefinitely. H.M.G. have now had nearly six months to consider my proposals and I cannot agree that they should be shelved for another three.

2. It is of utmost importance that I should know the mind and intentions of H.M.G. regarding future policy in India *before* the end of the war in Germany. I wish to know what H.M.G.'s intentions are before the Sapru Committee (? reports) and not after.

3. It is true that India is quiet on the surface but political situation is deteriorating rapidly since faith in our honesty and good intentions becomes harder to restore the longer H.M.G. delays to take any action or even show any interest in India.

4. There are also economic problems immediately affecting India which I wish to discuss with H.M.G.

5. There may be reasons such as the end of the war in Germany which will make June inconvenient and lead to further postponement.

I feel H.M.G. *must* face the Indian problem without further delay and request that their proposal to delay till June should be reconsidered.

[1] No. 315.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *15 March 1945*
Received: 20 March

I hope the telegram[1] I sent you yesterday about the postponement of your visit has not been too great a disappointment. But I do think that in the absence of any clear indication whether Jinnah means business in connection with the Desai affair, or of any practical suggestions emanating from the Sapru Conference, a visit just now might leave you in the unsatisfactory position of a vague authorisation to carry on negotiations when you see an opportunity, still leaving anything like a final decision to be made after negotiations have taken place. Also, as I have emphasised in my telegram, Attlee will be preoccupied with the World Organisation business all April and most of May, and he is a very important factor, both because the Prime Minister regards him as steady and fairly sound and also because he speaks as head of the Labour Party. In other words, if we have got Attlee we have the strongest possible card to play with Winston. Meanwhile, you may be able to carry on your discussions with Jinnah and Desai at leisure. There is, after all, something to be said for indicating willingness without showing over-anxiety.

2. At the same time, the possibility of Desai and Jinnah not meaning business does raise the question of what alternative step there is that can be taken to show that we mean to go forward and to dissipate this atmosphere of suspicion with regard to our intentions. It may conceivably be the case that this question of the economic safeguards might afford an indication, provided always that Dalal had an irrefutable case to show that actual reconstruction at this moment is being obstructed by the existing statutory provisions. You will realise, I am sure, the difficulty of getting the Cabinet to agree to the matter coming up in the House of Commons as a piecemeal amendment of the Act of 1935 unless a really watertight case is produced, and I am glad that you have insisted on Dalal really looking into the matter and not being content with generalities which might only raise trouble without helping things.

3. If nothing much can be done at the Centre at the moment, is there anything that you can do in the provincial sphere? You will have had the Law Officers' opinion on Section 139 in Burma[2] and it might be possible after all for Governors, within the Law Officers' ruling, to select unofficial advisers and in effect treat them as an executive, summon the Legislature, but at the same time make it quite clear that executives are not dependent upon majority

[1] No. 315. [2] See No. 281, note 6.

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support from day to day. I confess the more I hear of ministerial government and its shifts and changes in Provinces outside the Punjab, the more convinced I am that the British system of a parliamentary executive is utterly unsuited to Indian conditions, encourages intrigue and corruption in the Executive and the Legislature, and hopelessly demoralises the civil service. The other day an intelligent business man from Bombay called Mehta, recently in the Civil Service on the agricultural side, was talking to me about the incompetence and defeatism of the Bengal administration, and attributed it mainly to ten years of parliamentary and ministerial intrigue and logrolling. The latest Sind example also shows the entire unsuitability of your [? our] system once the control of the Executive is taken out of the hands of the Legislature itself and placed in those of a dictator outside. Is it beyond hope that if Governors worked Section 93 in the way I have indicated, they might then agree to come out of Section 93 in favour of a coalition government on the clear understanding that they would pay no attention to an adverse vote against the Ministry unless carried by two-thirds of the House after the Ministry had been in office at least a year, such a vote not being taken into consideration more than once a year?

4. Zafrulla's suggestion[3] has undoubtedly attracted a certain amount of attention and, as I said in my last letter,[4] there would be something in the idea if it were not for the difficulty of framing a new interim constitution which would not be universally reprobated. That is why my mind has turned to the existing constitution as the only interim constitution which would not start new controversy.

5. By the way, I may perhaps have misled you when I suggested that Zafrulla wanted to do a lecture tour in the States after attending San Francisco, if you had sent him there.[5] What I think he had in mind was much more doing what he did very usefully after the conference in Canada, i.e., meet a number of influential people in different places informally at lunches, etc., and talk over the situation with them. I might add that Bruce, the Australian High Commissioner, came to see me the other day, and suggested that the War Crimes Commission badly wanted strengthening, that Meek was not a very effective or helpful member, and that Lord Justice Wright, the Chairman, and he had wondered whether Zafrulla might not be available after the Federal Court has risen. I have since had a letter from Lord Wright about this of which I enclose a copy.[6] Bruce told me that he had spoken to Eden about it, who thought the idea a good one, but I haven't heard anything from the Foreign Office since. Meek is of course acting for Runganadhan who represents India on the Commission in his personal capacity and not as High Commissioner. I do not know whether Bruce's dissatisfaction with Meek is justified, but I have always understood that Runganadhan played a useful part on the Commission and was acceptable to his colleagues. I presume he will be back

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by the end of April and it would be difficult to supersede him. Perhaps you would let me know what you consider it best I should say to Wright and Bruce. No doubt Zafrulla has been seeking supporters for this suggestion but, unless it were thought appropriate for him to act as a legal expert attached to Runganadhan, I do not think there is any reason to displace the latter, unless, indeed, Runganadhan himself welcomed the suggestion.

6. The Conference itself has, I think, been a real success, for all the Indian delegates were delighted with the reception they received from their fellow delegates and even hammer and tongs battles over Indians in South Africa do not seem to have prevented the Indian and South African delegations from becoming quite good friends. They have also made a good many contacts outside. The same Mehta whom I mentioned to you just now was not only enthusiastic about the Conference, but, as an industrialist, about the really generous and friendly way in which the industrial world here has met him and shown him everything they have got to show. He was particularly enthusiastic, from the point of view of Indian dairying, about what he saw of modern developments in insemination and believes an immense amount could be done for India in that field at very small cost. Similarly with regard to the new highly nutritive fodder produced in the shape of flour from early cut and dried grass. I gather he is staying over here for the industrialists' visit as well.

7. The Hydari Mission[7] have also done very well and even if they have not secured all he wanted them to secure, have created really valuable personal contacts and made a most favourable impression of their ability, as well as driven home the arguments affecting the Indian situation far more effectively than could have been done by any number of despatches and telegrams. I was very much taken with Mohamed Ali, who is obviously a very well-read man in the scientific field, as well as a competent exponent of the financial situation.

8. We have just informed[8] the Finance Department that the Royal Assent to our Estate Duty Bill has been signified, so the way is now clear for Raisman to go ahead with his measure. I am bound to say that it was something of a surprise when we learned, from your telegram No. 362-S[9] and paragraph 17 of your letter of the 21st February,[10] how luke-warm the majority of the Members of your Council had turned. It would indeed have been embarrassing if, after all the emphasis that has been laid here upon the urgency of the matter, Raisman's Bill had been dropped entirely. We must now hope that a keener appreciation of the relation of means to ends will prevail, and I trust that this will be rubbed in.

[3] See No. 295. [4] No. 303. [5] See No. 254, para. 4. [6] Not printed.
[7] The official Mission, led by Sir Akbar Hydari, which had discussed Indian Supply difficulties in the U.K.
[8] In tel. 5343 of 21 February. L/F/7/1171. [9] *Ibid.* [10] No. 275.

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We must not, I suppose, be too harsh in judging those who base their attitude in such matters upon the fact that they are an ephemeral combination, lacking a popular mandate. But so long as the Government of India is conducted under the present constitution, business must be carried on and measures desirable in themselves should not be held up on the alleged ground that they can only be put forward by "National Government". I expect you are right in your suspicion that the opposition of some of your colleagues was dictated by the views of big business.

9. Casey has sent me for my personal eye a copy of his letter to you of the 1st March, No. R.G.C. XV.[11] I am very sorry to see that he is so disturbed in his mind about conditions in Bengal and has this feeling that he is not getting sufficient help. I of course entirely appreciate that you have only so much help to give and have to allot it fairly among the applicants. I do not know precisely how much Casey has asked for and how much you have been able to help him. The suggestion at the end of his letter that he may not feel disposed to carry on under the existing conditions is disturbing and I hope it is only a passing mood of depression. I suppose that Rowland's report[12] will be received very soon and that this will give a review of Casey's difficulties on the staffing side and may perhaps provide you with justification for taking more personnel from the Government of India and other Provinces for the benefit of Bengal.

[11] No. 292.

[12] Almost certainly a reference to Sir A. Rowlands' *Bengal Administration Enquiry Committee 1944–5* report, received in May 1945, rather than to Mr Justice Rowland's report on Post War Reorganisation of the Services not received until the end of 1945. L/P&J/8/654 and L/S&G/File 3821 of 1944.

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Mr Amery to Mr Attlee

L/PO/6/108b: f 27

TOP SECRET INDIA OFFICE, *15 March 1945*

My dear Clem,

Thank you for your letter of the 13th March.[1] I quite see the force of what you say and if it were not for the disappointment which a further postponement would cause to the Viceroy I should be entirely with you. I enclose a copy of a telegram[2] which I sent to Wavell yesterday. No doubt he will reply within the next day or two, and in the meantime I do not propose to circulate it to the Cabinet.

Yours ever,

L. S. AMERY

[1] No. 311. [2] No. 315.

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Sir S. Cripps to Mr Amery

L/PO/6/108b: f 12

TOP SECRET

MINISTRY OF AIRCRAFT PRODUCTION,
MILLBANK, S.W.1, *15 March 1945*

My dear Leo,
Thanks for your letter of 13th March.[1]

As regards your amended suggestions for the Viceroy Raj I don't think the first at all feasible. It would put both Secretary of State and the Viceroy in an impossible position.

As to the second I am against Courts governing a country. The Supreme Court in America can only challenge the executive on the interpretation of a fairly definite constitution. In India the case would be entirely different; it would have to decide a political question on political grounds.

The issue as you put it in your letter would be to "consider whether the Viceroy's action had exceeded the limits of reasonable consideration for the security and welfare of India". I should not like to be in a court of Justice which had to decide upon such a question which is eminently a political and not a justiciable issue.

As to your final paragraph I should view with the greatest sympathy the getting rid of any restraints which make it difficult for the Indian Government to proceed with its planning.

STAFFORD

[1] No. 312.

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War Cabinet

India Committee. I (45) 12th Meeting

L/PO/6/108b: ff 5–11

Those present at this Meeting held in Conference Room 'B', Great George Street, S.W.1, on 16 March 1945 at 11.30 am were: Mr Attlee (in the Chair), Sir John Anderson, Mr Amery, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel; Sir Gilbert Laithwaite (Secretary)

Viceroy's Visit

The Committee had before them the Secretary of State's telegram of 14th March, 5758[1] to the Viceroy and the Viceroy's reply of 15th March 489–S.[2]

[1] No. 315. [2] No. 317.

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The Viceroy very strongly urged that his visit should not be further postponed.

The view was expressed that there would have been advantage from the Viceroy's point of view as well as from that of the Committee in a further postponement which would have given the Committee more time to consider the material in the field, and, in particular, the report of Sir Tej Sapru's Committee and possibly the outcome of the proposed conversations with Mr. Jinnah. Apart from that, the fact that the Commonwealth Conference would be in session from 4th April, and that on its conclusion the Lord President would be attending the San Francisco Conference, would make it more difficult for Ministers to find the time necessary for full discussion of the Indian question. It was felt, on the other hand, that in view of the importance which the Viceroy clearly attached to ascertaining the mind of His Majesty's Government without further delay, and the period that had for various reasons elapsed since he first put forward a request to come home, it would be preferable, despite any resultant inconvenience, to accede to his request.

The Committee in these circumstances invited the Secretary of State for India to obtain the approval of the Prime Minister to the Viceroy returning home as early as possible. It was important that he should reach here as far as possible in advance of the opening of the Commonwealth Conference on 4th April, since after that date the pressure on Ministers would be very great and it would be difficult to make the time available which they would desire for discussion with him.

The view was expressed and was generally accepted by the Committee that the wording of the announcement regarding the Viceroy's return would need very careful study. It was important to get the visit off the political plane and to avoid giving rise to any anticipations in India of political moves taking place as a result of it. It might be best that it should be related to India's part as a base for Stage II of the war.

THE SECRETARY OF STATE FOR INDIA undertook to take action in the sense desired.

Sir Zafrulla Khan's Scheme

THE LORD PRESIDENT OF THE COUNCIL invited the Committee to consider Sir Zafrulla Khan's views as set out in the paper circulated as I. (45) 24[3] and in his recent speech at the Council of Commonwealth Relations (I. (45) 32).[4]

THE MINISTER OF EDUCATION said that he had had two conversations with Sir Zafrulla Khan. Sir Zafrulla seemed to think that His Majesty's Government should give the Indians a sufficiency of time in which to frame an agreed contribution [? constitution]. If we were anxious to gain time and to have e.g. a period of two years in hand, we might say that the period would run for, say, one year from the end of the Japanese war. If, on the other hand, we were

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anxious to shorten the time within which the Indians had to produce a scheme of their own, the closing date might be set at one year from the end of the German war. Sir Zafrulla thought that Indians would find it quite impossible to reach agreement between themselves on any workable scheme and that, that being so, it must be for His Majesty's Government to work out a solution that could be imposed when the Indians had failed. He seemed to think that a great deal could be done within the general framework of the Act of 1935, working towards a loose Federation. He, the Minister of Education, had the impression that Sir Zafrulla would prefer a form of co-operation under the provisions of Section 135 of the Act of 1935 to an elaborate system of Regions.

Sir Zafrulla was averse from any marked, if indeed any, alteration in provincial boundaries. He would like to bring Baluchistan into any new arrangements, whether those arrangements were based on Provinces or on regional units, as a separate Muslim entity, since Muslim opinion attached importance to an increase in the number of Muslim units. This would be over and above the claim for a 50-50 Muslim representation in the Federal Ministry.

As regards the list of central subjects, the Minister of Education had pressed him on the practical difficulties of allotting Railways and Posts and Telegraphs to the Provinces, and had also drawn his attention to the lessons of the Bengal famine and the argument which they constituted for a strong Centre. Sir Zafrulla had accepted the weakness of the case for transferring Railways, but had not been prepared to agree that the lessons of Bengal were decisive against the transfer of powers to the Provinces. He had taken the line that in an emergency the Provinces would always be prepared to re-transfer such powers as were necessary to the Centre.

THE SECRETARY OF STATE FOR INDIA said that the Act of 1935 and the list of subjects under it represented the results of very long and careful study with the assistance of Indians. Despite much thought, he had never found it easy to see that much more could in practice be taken from the Centre. Sir Firoz Khan Noon had however at one stage advocated that certain essential reconstruction functions such as communications and civil aviation should remain Central for 10 years and should at the end of that period become Provincial or Regional, unless it was otherwise decided. Sir Firoz had recognised that a chaotic position would result if there were to be an immediate devolution of responsibilities in matters such as these from the Centre to the Provinces, and thought that during an interim period effective centralisation could be secured on the basis that he had suggested.

THE CHANCELLOR OF THE EXCHEQUER said that the Muslims wanted at once to whittle down the powers of the Centre and to secure 50% representation in it. He thought it absurd to put forward claims on this scale if there was

[3] No. 266. [4] No. 295.

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to be any hope of agreement between them and the Hindus. He could not believe that the type of Hindu represented by the old Indian Liberals would ever agree to equality with the Muslims.

THE SECRETARY OF STATE FOR INDIA said that the real difficulty of a new Constitution was that on the basis desired by the Muslims it would be condemned by Hindu opinion. If, however, under the present Constitution the Viceroy wished to compose his Executive in the proportions 40 Hindu-40 Muslim-20 Miscellaneous pending the working out of a permanent Constitution, he thought that this would be accepted. Even if, as proposed by Sir Firoz Khan Noon, we were to work to the principle of greater devolution of powers to the Provinces, such devolution should not, in the interests of smooth working, take place until after an interval. He recognised at the same time that these things would not fit into any tidy pattern.

Regionalisation

THE LORD PRESIDENT OF THE COUNCIL suggested that the Committee should consider the proposals put forward for Regions I.(45)28 and 29.[5] Broadly speaking, those proposals contemplated 4 to 5 very large Regions, a number of small ones, and the supersession of the present Provincial system. He had to confess that he was not himself very convinced by these proposals. The number of units in India, given the stage of development of that country, was already too large for effective democracy.

THE CHANCELLOR OF THE EXCHEQUER said that he would not himself have been prepared to support regionalisation as a derogation from provincial practice. He thought that it should be considered only as a possible method of getting over the deadlock in the Centre. He would have been prepared to see as a transitional measure a certain amount of regional devolution of functions from the Centre if it had been possible to put forward a reasonably workable scheme, but the difficulty of devising one had been very great.

THE MINISTER OF AIRCRAFT PRODUCTION was sceptical as to the degree of advance to be made by adopting a policy of regionalisation. He enquired whether the existing tension could be broken by giving Indians another year or so to work out by agreement between themselves a Constitution of their own as had been suggested by Sir Zafrulla Khan, after which if they failed to achieve this, we should bring into force a Constitution devised by us, as our final gesture in Constitution-making. If we were to work to such an arrangement he would prefer not to say that the imposed Constitution would remain in operation for any given number of years, and merely to take the line that it would hold the field until it could be replaced by a Constitution on which Indians were agreed, put forward as the result of Indian initiative.

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THE LORD PRESIDENT OF THE COUNCIL felt that an approach of this character was likely to give the best practical results. Under it we would give the Indians a fixed period within which to devise a Constitution of their own. If at the end of that period they had not done so we should put into force a Constitution which we should ourselves have devised, which would hold the field until the Indians produced something to take its place on which they were themselves agreed.

THE MINISTER OF EDUCATION thought that by following the line recommended by Sir Zafrulla Khan in this matter we would improve our moral position. We would give the Indians, as had been suggested, a maximum period within which they must produce an agreed Constitution, leave them alone to reach their own unfettered conclusions as to its nature but ourselves independently during that period work out a scheme of our own which could be introduced if the Indians failed.

THE SECRETARY OF STATE FOR INDIA said that there was the danger that if we gave the Indians a year and announced that thereafter we should make up our own minds as to the right answer if they could not do so, we should be pressed by them to say how many years we should take to devise our own alternative scheme.

THE MINISTER OF AIRCRAFT PRODUCTION thought that if the time he had suggested was adopted we might encourage the Government of India to set up machinery to assist the Indians in working out the new Constitution, and that there might be advantage also in sending out a team from this country to work as a working party, not as a formal Commission, and at Delhi, where it would get the Indian atmosphere and be in closer touch with Indian ideas, contacts and sentiment.

THE LORD PRESIDENT OF THE COUNCIL said that he did not himself favour the despatch of a working party. All the necessary information was available to His Majesty's Government and if His Majesty's Government decided to announce that in certain circumstances they would impose a Constitution, the devising of that Constitution must be a matter to be handled at the ministerial level. A working party could not assist when we came to the point of political decision, and what was necessary was that His Majesty's Government should decide between alternatives. That was a task that could only be performed here. If we proceeded on the general basis suggested by Sir Zafrulla Khan, we should state our intentions, give the Indians a fixed period in which to reach agreement, and thereafter, but without any public announcement that we were doing so, set to work at once through a committee of the Cabinet to consider and be ready with the solution we should ourselves adopt if at the end of the fixed period nothing was forthcoming from the Indian side.

[5] Nos. 280 and 284.

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THE CHANCELLOR OF THE EXCHEQUER agreed with the Lord President as to the objections to sending a working party to India. Indian opinion and Indian politicians would concentrate on the working party and might feel less incentive to produce their own solution. If India was to be given a fixed time in which to work out a plan, and we were to be ready if she failed with a plan which we should implement, that meant having people sitting here to work out the Governmental plan which must be worked out here while the field in India was left to the Indians. One major political trouble at the present time was that so many people, whether here or in India, suspected that while His Majesty's Government said that they wanted to give self-government to India once India was agreed as to what she wanted, they had made it rest on Indian agreement because they felt confident that that could not be achieved. What, as he understood it, was now in the mind of the Committee was that His Majesty's Government should pledge themselves, if the Indians could not reach agreement, to produce a plan of self-government that would fulfil the various declarations that had been made.

THE MINISTER OF AIRCRAFT PRODUCTION suggested, and the Committee agreed, that it would be desirable that the India Office and the Secretary of State's Advisers (whose views had been of the greatest assistance to the Committee) should prepare a paper examining what this would entail and discussing it in detail.

THE MINISTER OF AIRCRAFT PRODUCTION said that if His Majesty's Government were to decide after further consideration to go ahead on the lines that had been under discussion, it would, he thought, be necessary, if the Indians were to be able to get together among themselves to formulate a scheme, to have a political amnesty and release the Congress prisoners, etc.

The general sense of the Committee was that in such circumstances consideration would have to be given to this point.

322

Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108b: f 3

MOST IMMEDIATE INDIA OFFICE, *16 March 1945, 6.40 pm*

5995. Superintendent Series. As you feel so strongly the necessity for immediate consultations[1] His Majesty's Government agree that you should come home as early as possible. Commonwealth World Organisation Conference begins on 4th April. It is essential to get through as much as possible of discussions

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with you before then. His Majesty's Government would therefore be glad if you could be here by 25th or if possible earlier.

2. Special plane has been ordered to leave here tomorrow. Air Ministry say it will be ready to leave Karachi early morning 21st and should arrive here evening 23rd. Precise schedule will follow. I am telegraphing separately about announcement.

[1] See No. 317.

323

Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/8/10: f 15

IMMEDIATE INDIA OFFICE, *16 March 1945, 8.20 pm*

SECRET

6028. Superintendent Series. Your telegram 484-S[1] of 14th March. Your paragraph 1. I agree and am inserting in proposed text of announcement after the words "Governor of Bombay" the words "who is the Senior Privy Councillor in India".

2. Your paragraph 2. H.M.G. agree proposed statement except that they wish you to omit last four words and substitute following. *Begins*: "including questions connected with the maintenance of India as a base for operations against Japan after the defeat of Germany".

3. Your paragraph 3. Air Ministry Security authorities advise announcement should not repeat not be made until plane has left Karachi for some hours. I will telegraph later as to time of simultaneous release of announcement.

[1] No. 313.

324

Mr Turnbull to Mr Burke

L/PO/6/108b: f 17

TOP SECRET INDIA OFFICE, *16 March 1945*

Dear Burke,

As I told you on the telephone, my Secretary of State saw the Prime Minister, who agreed to the proposed arrangements for the Viceroy's visit and also to the announcement in the form approved by Mr. Attlee.[1]

[1] The announcement shown to Mr Attlee was the same as that in No. 309, para. 1 as amended by No. 323, para. 1. He was also shown the statement proposed by Lord Wavell in No. 313, para. 2. L/PO/6/108b.

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My Secretary of State asked me to request you to inform Mr Attlee that he had not found it necessary to show the Prime Minister the telegram which was sent to the Viceroy asking him to postpone the visit until June, or the reply to it. These telegrams[2] have therefore not been seen by any Minister not on the India Committee.

Yours sincerely,
F. F. TURNBULL

[2] Nos. 315 and 317.

325

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/6/108c: f 303

IMMEDIATE
SECRET

NEW DELHI, *17 March 1945, 3.25 pm*
Received: 17 March, 1.30 pm

No. 505-S. Superintendent series. Your 5995[1] of March 16th. Many thanks. Am arranging to leave Karachi 21st morning.

2. Your 6028[2] of March 16th. Colville is not repeat not senior Privy Councillor in India. Sapru is two years senior to him. Suggest you (? omission) [? amend to] "who is senior Privy Councillor among Presidency Governors." Otherwise I agree.[3] Your paragraph No. 3 is noted.

3. Would you please inform my sisters.

[1] No. 322. [2] No. 323.
[3] The official communiqué which appeared in the Press of 22 March is the same as that in No. 309, para. 1 with the amendments in No. 323, para. 1 and in this para.

326

Note by Mr Amery[1]

MSS. EUR.D. 714/68

19 March 1945

NOTES FOR DISCUSSION ON AN INTERIM CONSTITUTION

If India is to be set on her feet without waiting for Indian agreement it is essential that the stress should be laid on the fact that we are granting her freedom in order to enable her to work out her permanent constitution at leisure, and on the provisional and interim character of the constitution under which she is launched on the world rather than on the fact that we are imposing it.

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The more that aspect is stressed the more readily will Indians accept it and, perhaps, even continue to work it indefinitely.

2. From that point of view the fewer the changes we make in the Act of 1935 the better. In any case there is no time for further Royal Commissions or Joint Select Committees or for prolonged parliamentary discussions. The necessary amendments to the 1935 Act must be ready when the year of grace expires and should be passed with the least possible delay.

3. One obvious cause of delay lies in the stipulation for the accession of a minimum number of States before the Central Government can come into existence. This was tacitly dropped in the 1942 declaration, and the amended constitution should be launched on the basis of British India and as many States as are prepared to adhere from the outset, provision being made for subsequent accessions.

4. The chief stumbling block, however, in the way of the acceptance of the 1935 structure as it stands, but liberalised to include defence and foreign policy, is responsible government at the Centre. For this means a Hindu, and probably a Congress, Executive, and therefore cannot be accepted by either Muslims or Princes, even as a provisional system of government. The only Executive likely to secure acceptance is one based on fixed proportions of the communities at the Centre, e.g. 40 per cent. Hindu, 40 per cent. Moslem and 20 per cent smaller minorities, and independent of the Legislature.

5. There are two main methods by which such an Executive could be constituted on democratic lines. One is the Swiss method of election by the Legislature by proportional representation. In order to insure the right communal proportions and effective representative [? representation] of the organised view of the communities, this would probably have to be by communal panels in the Legislature and not by the whole of the two Houses voting as one body.

6. The other would be for each Provincial Government (or Legislature) to nominate a member, the States doing so in proportion to the numbers acceding. This would give from British India six Hindu and five Moslem members (six if Baluchistan were treated as a Province). If all the States joined in there would probably be a further four Hindus, one Moslem and one Sikh. On this system it would be necessary to give the Viceroy the power to nominate the extra members required to secure the right communal proportions.

7. In either case the members so selected, if originally members of Central or Provincial Legislatures or Ministries should, as in Switzerland or in the

[1] This note was apparently prepared in connection with the expert examination called for by the India Committee after its consideration of Sir Zafrullah Khan's scheme on 16 March (No. 321); cf. No. 340.

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present Government of India, cease to hold that position, but should have the right of speech in both Houses.

8. It should be for the Viceroy to select as Prime Minister that one of the Members who in his opinion is most likely to be able to keep the team together and to command public confidence. If a Hindu the Viceroy should then select a Moslem Deputy Prime Minister and vice versa. Later on, if enough States join, there might be a second Deputy Prime Minister from the State[s] members. The subsequent distribution of offices could then be made by the Viceroy on the advice of the Prime Minister and Deputy Prime Minister or Ministers.

9. The question then arises what powers should be left to the Viceroy or, perhaps rather, what interpretation is he to be instructed to give to his legal powers as defined in the Act? Clearly they should no longer extend to the general security or welfare of India. The question is whether the stipulated communal proportions in the Executive afford sufficient protection to the minorities, more particularly the smaller ones, or whether the Viceroy should still retain some discretionary power to veto decisions of the Council which in his judgment involve unfair discrimination. If he is to retain such a reserve power should it be exercised only with the approval of the Secretary of State, or is this an essentially arbitral function which he might be entrusted with in his personal capacity?

10. There is one other power which, so long as he also remains Crown Representative, he must continue to exercise, and that is to protect the rights of the States in so far as they may not have surrendered them by accession to the Federation. In the exercise of that power he will no doubt continue to be guided, qua Crown Representative, by instructions from His Majesty's Government in the United Kingdom. Ultimately the framers of the final Indian constitution may have to decide whether the head of the Indian Government should also be Crown Representative, or whether the two functions should be divided as they have been in South Africa since 1930. But the advantages of continuing them in one person are so great that it seems natural to retain the combination at the outset.

11. The provisional constitution will anyhow start with a Viceroy (Governor-General and Crown Representative) already in being, and it is to be expected that, pending agreement on a final constitution, there will be no agreement on any alternative method of appointing the next Viceroy, though there may very well be informal consultation with H.M.G., as was the case in the Dominions before 1927, succeeded by direct suggestions to the Crown as has since become the Dominion practice.

12. The Provincial Governors will also presumably all be in existence when the new constitution is initiated. As between subsequent appointments (pending

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the final constitution) Provincial feeling would probably be against appointments by the Governor-General in Council and in favour of continuing appointment by the Crown, whether direct from Whitehall or as is *de facto* the present situation in the non-Presidency Provinces, by the Governor-General in person. There may, no doubt, be pressure before long for the appointment of Indians as Governors. On the other hand communal differences may lead to a continuing preference for English Governors for some time to come.

13. While it is not indispensable to the kind of scheme envisaged to make any change in the Provincial Governments the working of responsible government of the Westminster pattern has been so little encouraging that it would be desirable to secure its modification into something more resembling the Swiss system as outlined in paragraph 5 above. How far can this be done without alteration of the Act by a change in the Letters of Instruction to Governors?

14. As regards the subsequent amendment of the provisional constitution the question arises whether this should be dealt with by special provisions laying down the measure of assent required for minor changes and also prescribing the method of convening a national convention for arriving at a new constitution, or whether it would be enough, on the principles of the Statute of Westminster, to say that Parliament would pass any Amending Act agreed to by both the Government and Legislature in India.

15. Obviously the door must not be shut on Pakistan as part of the ultimate constitution. On the other hand it would be very desirable to prescribe that the main structure of the provisional constitution, more particularly in relation to the distribution of powers between the Centre and the Provinces should not be changed for, say, at least five years.

16. There would be great advantages if the necessary treaties for defence and trade to be made with the future Government of India, whether that Government proceeds from Indian agreement or is set up, as suggested above, by H.M.G., were worked out with the existing Government of India so as to be ready for endorsement or modification as soon as the new Government comes into existence. There is no reason to suppose that very great modifications would in fact be required, especially if the treaties were of reasonably short term.

17. If the policy discussed above is decided upon it is very important for its success that it should be announced as soon as possible, e.g. on the occasion of the King's Birthday or of such Victory celebration as may be held immediately after the collapse of Germany. It would be of the greatest psychological importance, too, if the new Indian constitution could be inaugurated by the King-Emperor in person.

L. S. A.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/659: f 43

IMPORTANT
SECRET

NEW DELHI, *20 March 1945, 1 am*
Received: 19 March, 10 pm

530–S. Your telegram No. 6084[1] dated March 17th. North-West Frontier Province Ministry. Khan Sahib was undoubtedly in touch with Gandhi before he decided to take office, and Frontier Congress party is said to have acted on "sealed letter" from Gandhi, contents of which have not yet been disclosed. Nationalist newspapers have suggested that North West Frontier Province decision is the beginning of new policy under which Congress Governments will return to office in other Provinces. But there is no repeat no evidence yet that Gandhi's attitude has changed. N.W.F.P. is quite different from other Congress Provinces because it is predominantly Moslem, and inactivity by Congress might lead to permanent Moslem League Government there. It is probable that Gandhi yielded to strong representation by Khan Sahib that Aurangzeb Ministry was weak and opportunity of turning it out should not be missed. This is confirmed by statement dated March 18th by Madras Congress deputation to Gandhi that N.W.F.P. decision was taken to rescue N.W.F.P. from "communal fanaticism" and that no change is intended elsewhere.

[1] Asking for his appreciation on a Reuter report that Dr Khan Sahib's Ministry had been formed on the basis of secret instructions from Mr Gandhi, and which speculated on possible adjustments of Congress policy in other Provinces. L/P&J/8/659.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/25

CONFIDENTIAL

NEW DELHI, *20 March 1945*
Received: 20 March, 12 noon

No. 531–P.V. My telegram No. 408–P.V.,[1] dated 28th February, and connected correspondence. Resignation of Chancellor.

2. I have just had letter from Bhopal[2] copy of which will reach you shortly. Letter is discursive and not very friendly. I do not however attach undue importance to this and regard Nawab's somewhat combative tone as cover for

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central request which is that I should grant him interview on 24th when he comes to Delhi for Air Force Conference. I have replied[3] that I shall not be able to see him on date mentioned but that I hope to be able to invite him to come to New Delhi later.

3. Following is text of paragraph 7 of Nawab's letter:—

[*There follows the text of No. 316, para. 7.*]

As I see it best outcome for all concerned would be that reconciliation should be effected without either side making pronouncement of any sort. I realise however that you may not be able to avoid making statement of some sort in Parliament. In that event I hope you will be able to put off making any statement until I have met Bhopal when best way out would perhaps be statement to which Bhopal's concurrence had been secured in advance. Last thing we want is series of statements and counter-statements. Less publicity this whole incident receives the better.

[1] Suggesting the wording of a statement Mr Amery was to make on the Chamber of Princes in the House of Commons. L/PO/10/25.

[2] No. 316. [3] See No. 316, note 7.

329

Governor-General (Public) to Secretary of State

Telegram, L/P&J/8/610: f 70

NEW DELHI, *20 March 1945, 12.55 am*
Received: 20 March, 11 pm

543–G. Your telegrams Nos. 27340[1] dated December 1st 1944 and No. 27339[2] December 2nd 1944 to Chief Secretary, Central Provinces and Berar. Chimur and Ashti cases.[3] After Privy Council dismissed appeals fresh petitions from all nine condemned in Chimur case and all six condemned in Ashti case were considered. Provincial Government commuted four sentences Chimur case and four sentences Ashti case and rejected remainder. I rejected petitions from seven remaining condemned.

[1 and 2] These tels. informed the Judicial Dept of the C.P. that the applications for special leave to appeal to the Privy Council on behalf of those sentenced to death in the Chimur and Ashti cases had been dismissed. L/P&J/8/610.

[3] On 16 August 1942 two magistrates, a police officer and a constable were murdered at Chimur and their bodies burnt. The police station and other Government buildings were also burnt. The murdered persons had been offered their lives if they would resign Government service and join the Congress. The following day a similar incident occurred at Ashti when the police station was burnt down and a police officer and four constables were murdered. Both Chimur and Ashti are in the Central Provinces.

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2. Petitions addressed to King-Emperor have now been received. These contain no fresh matter. Under Article VIII of Mercy Petition Instructions these petitions can be withheld. Precedents are few but see telegram No. 116 dated March 18th 1938[4] from Governor-General (Defence Department) and your reply thereto in telegram No. 592 March 23rd 1938.[5]

3. Chimur Ashti cases have been subject of agitation in Congress and other Hindu circles. I have no recommendation to make on behalf of these prisoners and consider it desirable that sentences should be executed without further delay. All the circumstances including lapse of time since offences committed have been carefully weighed. But as matter might be raised in Parliament you should be made aware of the facts before executions are carried out. Please reply to my telegram earliest possible. Executions suspended meantime.

[4 and 5] L/P&J/7/1388.

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Mr Amery to Sir J. Colville

Telegram, L/P&S/13/982: f 88

CONFIDENTIAL INDIA OFFICE, *21 March 1945, 10.45 pm*

6411. Your telegram 20th March 531-P.V.[1] I agree and will do my best to avoid any further ventilation in Parliament for the present.

[1] No. 328.

331

Mr Attlee to Mr Amery

L/PO/11/4: f 223

SECRET PRIVY COUNCIL OFFICE, GREAT GEORGE STREET, S.W.I, *22 March 1945*

My dear Leo,

I understand that Wavell is now expected to arrive on Friday and I am trying to arrange for a meeting of the India Committee at 10.30 a.m. on Monday, for he will certainly expect us to see him without much delay.

I know the pressure under which you are working but I should like to make a special appeal to you for your help over meetings during the Viceroy's visit. We ought to clear as much of the ground as we can with him before the Commonwealth Conference meets on 4th April, and even if this means frequent

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meetings, sometimes at great inconvenience, I am sure you will agree with me that it would be worth while. I rather hope that we may find after two or three talks with the Viceroy, and some discussion among ourselves, that we have covered a great deal of what there is to be done. But I think it is worth making a special effort to find time for him at the beginning of his visit, both to make progress and to make him feel that we mean business.

I am sending a similar letter to our colleagues on the Committee.

Yours ever,
CLEM

332

Mr Casey (Bengal) to Sir J. Colville

Telegram, L/P&J/8/653: ff 196–7

MOST IMMEDIATE CALCUTTA, *23 March 1945, 2.5 am*
Received: 23 March, 8.15 am

73. Under outward appearance of quiet there has been considerable political manoeuvring in Bengal of late.

2. The principal factors are:

(1) Stresses and personal ambitions among League Ministry and its followers.
(2) Approach to Nazimuddin by Kiran Sankar Roy leader of orthodox Congress in Bengal on the question of the formation of a League-Congress Ministry. This approach took place on March 21st and Nazimuddin told me about it today March 22nd.
(3) Alleged negotiations between orthodox Congress and forward block group (Sarat Bose) for re-amalgamation of Bengal Congress.

3. Suggestions for a visit of Gandhi to Bengal including Midnapore are part of the background.

4. It is possible that the combined effect of these various moves might lead to a disintegration of the Ministry owing to the desire of numerous individuals to get a free hand for themselves in a fluid situation, but the principal problem which is exercising my mind is the attitude I should take in the event of offer of a straightforward combination between Kiran and Nazimuddin as basis of a League-Congress Ministry and on the assumption that such a combination would promise (*a*) a stronger Government free from the vacillations of venal supporters, (*b*) Hindu satisfaction and decrease of communal bitterness, (*c*) decline of the influence of the more virulent sections of Mahasabha, and (*d*) possible receding into the background, so far as influential politicians in Bengal are concerned, of demands for Pakistan.

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5. I do not assume that a straightforward combination offering these advantages will necessarily present itself; but if [it] did, it would be reasonably represented as alternative in Bengal to bitterness, frustration and communal strife which would otherwise render any real progress in responsible government impossible. Clearly this would be a difficult bait for me and for you and for H.M.G. to refuse in present circumstances.

6. Assuming that such a prospect were offered I should have to stipulate three conditions (*a*) to rule out any participation in government of forward block as such (*b*) to insist on an unequivocal statement of the attitude of the Congress followers towards the war (*c*) the attitude to be adopted towards the Congress and terrorist security prisoners. This would be my principal concern.

7. Most of the purely Congress (? prisoners) 55 in number could probably be [? let] out gradually but owing to long-standing close connection between Congress and terrorist [? movement] in Bengal some of the most important Congress prisoners are also most important terrorist leader[s].

8. So long as Japanese are in Burma or even in Malaya it would be impossible for me to agree to large scale releases of important terrorists or of the thousand more terrorist prisoners whose detention keeps terrorist and fifth-column organisations disorganised. It would be essential for me to have a hard and fast undertaking from aspirants to a League-Congress coalition ministry regarding their attitude towards terrorist prisoners in terms which (having regard to the opinion of my advisers) I could accept. I am however (omission) that judging by previous experience it would be extremely difficult if not impossible to maintain such an agreement once a ministry were in power without losing the ministry and that insistence on such an agreement would perhaps make it impossible for orthodox Congress to accept office unless the agreement were secret and in such terms as would fail to bind them.

In these circumstances alternative would be either to reject what would appear to be a unique political opportunity or to take a risk with our eyes open of either endangering war security or having to break with a Government which after some months in Office would have established itself in influence in Legislature and in the country.

9. From Nazimuddin's point of view such a League-Congress Government would offer certain advantages and certain disadvantages. He would gain—

(*a*) By making his majority independent of the 20 odd Moslem League followers who frequently jeopardise his government by changing sides in the assembly.
(*b*) By getting more brains into his ministry.
(*c*) By enabling him to say with truth that his ministry represents fairly the principal communities in Bengal.

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He would lose—

(*d*) By risking his present considerable majority in assembly for a political set up the stability of which could not be guaranteed in advance.

(*e*) By having to dismiss several of his present Moslem League ministers who might possibly create unsympathetic factions.

(*f*) By the almost insoluble embarrassment as regards his present three caste Hindu ministers and three scheduled caste ministers who have all supported him loyally.

(*g*) By inevitable recession of Moslem League Pakistan ambitions.

(*h*) By the set back that the existing communal ratio ramp would suffer.

10. I doubt whether issues will present themselves in so clear cut a form as I have presented them in this telegram. I have asked Nazimuddin to see me again on late afternoon of Saturday March 24th. I would be grateful to have any guidance or views that you may have by then.

11. Reverting to paragraph No. 3 above. Kiran Sankar Roy approached Nazimuddin yesterday as to whether the Government of Bengal would agree to Gandhi visiting Bengal including Midnapore. I would be glad to know whether you have any views on advisability or otherwise of such a visit from All-India point of view.

12. I am repeating this to Secretary of State in case you should wish to consult him. *Ends.*

333

Sir J. Colville to Mr Amery

Telegram, L/PO/10/25

MOST IMMEDIATE
SECRET

NEW DELHI, *23 March 1945, 4.10 pm*
Received: 23 March, 11 am

No. 558-S. Casey's telegram No. 73[1] of 23rd March.

Mudie and I think Casey should be advised to go very slow. There can be no question of releasing terrorists and is little indication that possible advantages of proposed coalition outweigh disadvantages of having a Ministry that will press for release and possibly resign on the issue.

Also Casey should not get into position from which he might have to withdraw as the result of refusal by Jinnah to agree to proposed set-up.

Another consideration that weighs with us is that a change in the Bengal Ministry might cause a rise in political temperature which would prejudice discussions in London.

[1] No. 332.

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I would advise Ministry not to give any encouragement to Gandhi to visit Midnapore.[2]

Please telegraph urgently whether you agree.[3]

[2] In tel. 78 of 24 March, Mr Casey reported to Sir J. Colville that at his interview with Sir Nazimuddin that afternoon, Sir Nazimuddin had agreed to tell Mr K. S. Roy that if Mr Gandhi came to Calcutta, it could not be assumed that a ban would not be placed on his going to Midnapore. Sir Nazimuddin believed this would be sufficient to stop Mr Gandhi visiting Bengal at all. L/P&J/8/653.

[3] In tel. 6618 of 23 March to Sir J. Colville, Mr Amery stated he agreed on all points, particularly paras. 1 and 4. *Ibid.*

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Secretary of State to Governor-General (Public)

Telegram, L/P&J/8/610: f 69

IMPORTANT INDIA OFFICE, *23 March 1945, 11.10 am*

6522. Your telegram No. 543-G[1] dated 20th March. Chimur and Ashti cases. I have no objection to withholding of petitions and execution of sentences.

[1] No. 329.

335

Mr Amery to Mr Attlee

L/PO/11/4: f 221

SECRET INDIA OFFICE, *23 March 1945*

My dear Clem,

Thank you for your letter of 22nd March.[1]

I am in entire agreement, of course, as to the necessity for the India Committee to hold early meetings with the Viceroy, and I am very glad that you are appealing to members of it to make a special effort to find time for them.

I shall be ready to attend the meeting at 10.30 on Monday and subject to meetings of the Cabinet itself shall give the India Committee priority over all other engagements.

Yours ever,

L. S. AMERY

[1] No. 331.

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War Cabinet

India Committee. Paper I (45) 36

L/PO/6/108c: ff 298–301

COMMERCIAL DISCRIMINATION PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1935

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *23 March 1945*

The Viceroy has informed me that Sir Ardeshir Dalal, the Member of the Governor General's Executive Council for Planning and Development, believes that the commercial discrimination provisions of the Government of India Act are likely to interfere with his plans for the post-war development of Indian industry. A summary of these provisions is annexed to this memorandum. It is not clear in what respects Sir A. Dalal thinks that these provisions will interfere with his plans, nor what precise steps he would like taken in the matter. He appears, however, to fear that they will prevent steps being taken to restrict the activities in India of large United Kingdom interests with international connections which he suspects may seek to crush smaller competing Indian companies. He also claims that they stultify any policy of subsidising Indian concerns. He seems to hope that he may be able to find a way round his difficulties, short of an amendment of the Act, by discussions with His Majesty's Government and the United Kingdom interests concerned.

2. In the course of a debate in the Indian Legislative Assembly on 2nd March,[1] Sir Ardeshir Dalal undertook (ostensibly by inadvertence since his undertaking was directly contrary to a previous decision by the Executive Council as to the line to be taken in the debate) that the Government of India would enter into negotiations with His Majesty's Government on this matter and that the results would be reported to the Assembly. It had earlier been arranged that Sir A. Dalal should come to London at the end of April in order to discuss various matters affecting Indo-United Kingdom post-war commercial relations, and this is one of the matters which he wishes to take up. We shall have to listen to what he has to say. Meanwhile, even before the debate in the Legislative Assembly, I had informed the Viceroy,[2] for communication to Sir A. Dalal, that before this matter can be usefully considered, it will be necessary for Sir A. Dalal to define with more precision in what way he regards the commercial discrimination provisions of the Act as interfering with his

[1] See No. 299, note 2. [2] No. 232.

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plans and exactly what steps he recommends. I explained the difficulty of asking Parliament to pick out this part of the Government of India Act for amendment in isolation, because, while the United Kingdom interests concerned are aware of our intention not to perpetuate these provisions in any new Indian constitution and take this into account when accepting new commitments in India, any attempt, in advance of a general settlement of the Indian constitutional problem, to reduce the existing measure of protection which they enjoy might affect the very real fund of goodwill which they at present have towards India's post-war industrial development.

3. I think that we must await concrete suggestions from Sir A. Dalal and the Government of India. But the India Committee will wish to know that this issue has been raised.

L. S. A.

Annex to No. 336

SUMMARY OF THE DISCRIMINATION PROVISIONS OF THE GOVERNMENT OF INDIA ACT (SECTIONS 111–121)

Section 111 exempts British subjects domiciled in the United Kingdom from the operation of Indian legislation restricting their right of entry into British India or imposing, by reference to place of birth, race, descent, language, religion, domicile, residence or duration of residence, any restriction, etc. in regard to travel, residence, the acquisition, holding or disposal of property, the holding of public office or the carrying on of any occupation, trade, business or profession; in so far as under United Kingdom legislation British subjects domiciled in British India are free from like restrictions, etc. in the United Kingdom. There are a few other unimportant exceptions.

Section 112 invalidates any Indian legislation imposing taxes discriminatory against British subjects domiciled in the United Kingdom or against United Kingdom companies.

Section 113 provides that United Kingdom companies, their directors, shareholders and officers, etc. shall be deemed to comply with any Indian legislation imposing, in regard to such companies carrying on business in British India, conditions connected with the place of incorporation of a company, the situation of its registered office, the currency in which its capital is expressed, the place of birth, race, descent, language, religion, domicile, residence or duration of residence of the directors, shareholders or officers, etc. It also ensures to United Kingdom companies any preferential treatment in respect of taxation made dependent on compliance with such conditions. It applies however only in so far as under United Kingdom legislation British Indian companies are free from like conditions etc. in the United Kingdom.

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Section 114 provides that British subjects domiciled in the United Kingdom shall be deemed to comply with conditions imposed by Indian legislation as to the place of birth, race, descent, language, religion, domicile, residence or duration of residence, of directors, shareholders, officers, etc. of British Indian companies and extends to them any preferential treatment in respect of taxation dependent on compliance by British Indian companies with such conditions; in so far as under United Kingdom legislation British subjects domiciled in British India are free from like conditions, etc. in the United Kingdom.

Section 115 provides that no ship or aircraft registered in the United Kingdom shall be subjected by Indian legislation to any treatment affecting either the ship or aircraft, its master, officers, crew, passengers or cargo, which is discriminatory in favour of ships or aircraft registered in British India, except in so far as British Indian ships or aircraft are subjected in the United Kingdom to like discriminatory treatment.

Section 116 provides that United Kingdom companies carrying on business in India shall be equally eligible as British Indian companies for any grant, bounty or subsidy paid out of Indian revenues for the encouragement of any trade or industry; in so far as British Indian companies carrying on business in the United Kingdom are equally eligible with United Kingdom companies for subsidies, etc. paid in the United Kingdom for the encouragement of the same trade or industry. Indian legislation may however stipulate that companies not engaged in the trade or industry in question when the Act granting the subsidy, etc. is passed, shall not be eligible for it unless they are registered in [? as] British Indian companies, 50 per cent. of their directors are Indians, and they give reasonable facilities for the training of Indians.

Section 117 provides that sections 111–116 apply in relation to any ordinance, order, bye-law, rule or regulation made after the passing of the Government of India Act.

Section 118 provides that if, after the establishment of the Federation, a convention is made between His Majesty's Government and the Federal Government for similarity of treatment in any of the above matters for United Kingdom subjects and companies in British India and British Indian subjects and companies in the United Kingdom, the operation of the above sections may to that extent be suspended by Order in Council.

Section 119 deals with professional and technical qualifications.

Sections 120 and 121 deal with medical qualifications.

Under Section 52(1)(*d*) the Provincial Governors have a special responsibility for the securing in the sphere of executive action of the purposes which the above mentioned provisions are designed to secure in relation to legislation.

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As regards the Centre, the Government of India are of course at present subject, over the whole field of their responsibilities, to the general control of the Secretary of State and must comply with any particular directions which he gives, in this matter as in others. The Act contemplates that after the establishment of the Federation, the Governor-General shall have a special responsibility under Section 12(1)(*e*) similar to that now held by Governors.

(This summary is intended merely to give a general picture of the provisions in question and reference to the Act itself is necessary on any points on which precision is required.)

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War Cabinet

India Committee. Paper I (45) 37

R/30/1/5: ff 57–68

Sir Zafrulla Khan's Plan: Examination by Officials

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *24 March 1945*

In accordance with the request of the Committee made at their 12th Meeting on the 16th March,[1] I circulate a note on the above subject which has been prepared by the same working party composed of some of my Advisers and officials which previously undertook the technical examination of the suggestions made by the members of the Committee.

L. S. A.

The India Committee have asked that an examination should be made to see what would be entailed by a proposal that His Majesty's Government should pledge themselves, if the Indians could not reach agreement, to produce a plan of self-government that would fulfil the various declarations that had been made. The endeavour to meet this request has been made under great pressure, and what follows should be regarded as views which fuller consideration might cause to be modified. For lack of time it has not been possible to test with any precision what sections of the Government of India Act would require amendment under the suggestions made below, but the task will be undertaken if so desired.

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A. His Majesty's Government's Commitments.

These are essentially contained in the Offer of August 1940,[2] and the Draft Declaration of March 1942.[3] The main points are as follows:—

(*a*) *Indian Participation.* The *August Offer* announced that after the war the task of drawing up the new constitution would be entrusted to Indians themselves. The *Draft Declaration*, in addition to suggesting specific machinery for setting up the constitution-making body, made it clear that the new constitution so framed would, subject to the fulfilment of certain conditions, be accepted by His Majesty's Government and put in force forthwith.

(*b*) *Status.* The *August Offer* declared that the goal was the "attainment by India of free and equal partnership in the British Commonwealth". The commitment was thus in respect of the whole of India including the Indian States and not of British India only. Lord Irwin's statement of 1st November 1929 (see paper I (44) 7),[4] which for the first time specifically announced that the attainment of Dominion status was "the natural issue of India's constitutional progress", also stressed the importance of ensuring that whatever action was taken should not be inconsistent with "the attainment of the ultimate purpose which those . . . who look forward to some unity of All-India have in view". *The Draft Declaration* stated that the object was the creation of a new Indian Union, equal to the Dominions in every respect and "in no way subordinate in any aspect of its domestic *or external* affairs", and it was made clear that this status included the power to secede from the Commonwealth if India so wished.

(*c*) *Minorities.* The *August Offer* stated that the assent of the larger minorities was an indispensable condition of the transfer of power. His Majesty's Government "could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government". (It follows that any new constitution devised and introduced by His Majesty's Government would have to give the minorities as adequate a share as can be arranged in the Executives of the Centre and the Provinces. But in fact the assurances to the minorities must be held to go further than this and to take account of the practice in recent years of reserving for them a proportion of posts in the government services).

(*d*) *Provincial Option.* The *Draft Declaration* gave to every Province, as well as to the States, the right of option in regard to its accession to the new

[1] No. 321. [2] See Vol. I, Appendix I. [3] See Vol. I, No. 456. [4] No. 161.

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Union. (On the face of it the inference would appear to be that the Provinces should be given the right of option in regard to their inclusion in any scheme to be proposed by His Majesty's Government. But the inference is not complete. The Draft Declaration related to a constitution made by Indians; what is now in question is a constitution devised by His Majesty's Government. The Provinces, unlike the States, will be bound by any legislation made by Parliament, and it would be quite legitimate for His Majesty's Government to legislate them into the Federation. It must of course be recognised that the Provinces, particularly in view of the Draft Declaration, may claim equality with the States in regard to the right of option. But there are weighty reasons against it; the financial arrangements between Centre and Provinces will require the inclusion of all the Provinces; and if Provinces as well as States are to have the right to stand out there will be a prolonged process of bargaining to secure their accession with the result that there will be no certain starting point and might be no firm basis for the new Constitution. What is now under consideration is essentially a provisional Constitution and it would be legitimate to give no option to the Provinces; reliance must be had generally on the manner in which the proposed constitution is presented in India before being enacted, and in particular on other devices (such as the share in the Executive) to win the assent of the Moslems).

(*e*) *The Indian States.* In the statement made by the Prime Minister on 11th March 1942[5] mention was made of our treaty obligations to the States. The latest pronouncement thereon was made by the Secretary of State in replying to a Parliamentary question on the 3rd December 1942;[6] subject to the qualification that the interpretation of the original terms of certain engagements has been affected by a long period of usage and sufferance, he agreed that the treaties remain valid in their entirety, and he acknowledged an undertaking that they would not be changed by any constitution-making body without the assent of the parties concerned. (It follows that, whether or not the accession of a prescribed proportion of States is still considered essential to the establishment of a Federation, the States can be brought in only by a process of negotiation and not by compulsion).

B. The 1935 Act.

In recent months the suggestion has been made in several quarters in India that, in default of any progress towards agreement among Indians on the lines of a future constitution, His Majesty's Government should consider bringing into force the federal provisions of the 1935 Act, with such modifications as may seem in the light of experience necessary to secure its general acceptance.

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In view of the years of discussion and preparation which preceded the Act there is very sound justification for using it as a framework for a future constitution, examining in what respects it failed and how it might be amended to exclude similar failures in future. Despite the nature of the offer made in the Draft Declaration, the conservation of the unity of India must be presumed to be the objective of His Majesty's Government.

The formal reason for the failure to bring the federal provisions of the 1935 Act into operation was the lack of success, up to the time when the federal negotiations were suspended at the outbreak of the war, in securing the accession of the prescribed proportion of States. Prolonged and hard bargaining over the terms of accession had won over something like 25% of the States; but the problems of financial and other privileges were in some cases serious, and may in certain respects (e.g. income tax and industrial development) have become more difficult. But apart from this there remained generally the difficulty created by the attitude of Congress, which alarmed not only the States but still more the Moslems.

The story of the part played by Congress in the working and failure of the 1935 Act is told at length in Part II of Coupland's Report.[7] Congress refused initially in 1937 to take office on the ground that the constitution was a travesty of true Provincial autonomy; it was only after they had extorted an explanation in regard to the operation of the special powers of the Governors that they consented to co-operate, and even then they professed to take office in order to wreck the constitution; they renounced the responsibilities of office shortly after the outbreak of war; and for the next 2¼ years during which Congress Ministries functioned in a majority of the Provinces the Congress "High Command" exercised a tight control that was a negation of provincial autonomy and of true Parliamentary democracy. The refusal of Congress to admit non-Congress Moslems into association in coalition governments estranged Moslems at the outset, and the resentment of the Moslem minorities at their treatment by Congress was the direct cause of the formulation in 1940 of the Moslem demand for Pakistan. The Princes on their part were seriously alarmed by the Congress Campaign in 1938–39 to precipitate subversive movements in the States.

Any revision of the Act will therefore have to be so devised as to assure the Moslems—and other minorities—that they will not be completely at the mercy of a permanent Hindu majority, and will have to take account of the obstacle caused by the failure in 1939 of the prescribed proportion of the States to accede to the Federation.

[5] *Parl. Debs.*, 5th ser., H. of C., vol. 378, cols. 1069–70; see also Vol. I, Nos. 308 and 309.

[6] See Vol. III, No. 290, Annexure C.

[7] Sir R. Coupland, *A Report on the Constitutional Problem in India.* Part II: *Indian Politics 1936–1942* (London, Oxford University Press, 1943).

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C. Revision of the Constitution embodied in The 1935 Act.

The following is a broad outline of the changes suggested.

(*a*) *The Provinces*

Provision might be made on the lines discussed in Paper I (45) 26[8] for the purpose of securing coalition governments and a more stable executive.

Such provisions, coupled perhaps with a charter of rights interpretable by the Courts, should satisfy the minorities (as well as helping to neutralise the domination of Provincial Governments by an external party caucus) and should enable the special responsibilities of Governors to be dropped—though separate provisions might be needed to meet the case of the backward tribes and, possibly, the protection of States' rights. Clearly the more the special responsibilities are cut down the better the chances of securing acceptance by Indian political opinion generally.

(*b*) *The Federation*

(i) *The Governor General.* The Governor General would be advised by Ministers throughout the whole Federal field, including Defence and External Affairs.

But an important reservation is required in respect of these two subjects. A separate paper will be circulated very shortly on the subject of Defence. It is understood to be the professional military view that for some years to come the Indian Army would have to include a proportion of British Officers and of certain British units (particularly on the technical side). A similar view is held with regard to the naval and air forces in India. Furthermore there may or may not be British troops stationed in India for purposes of Commonwealth defence. Whether or not that is the case there will have to be provision for the control by His Majesty's Government of the conditions of service and employment in India of British officers and troops. The presence of British troops would also have a bearing on the conduct of Indian foreign policy in which conformity with the policy of His Majesty's Government would be essential. These factors inevitably constitute a limitation on India's self-sufficiency. They would have to be provided for by treaty, since if dealt with in an imposed Constitution they would amount to a limitation on the autonomy of the new Indian Union.

To cover the interval until the treaty is concluded the Governor-General must be placed legally in a position to ensure that whatever is required should be done. But in other respects the special powers conferred on him by the present Act will in the main have to go, with the exception probably of his responsibility for the protection of States' rights.[9] As regards his present special responsibility in respect of the Services the preferable alternative would be to make provision in the Constitution, which would not be variable without the

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consent of Parliament, so as to protect the rights of the Central Services by securing that financial obligations in respect of them (pensions etc.) shall be chargeable on the revenues of the Federation. A similar provision should be included for the protection of the Services whose pay and pensions are met from Provincial revenues. Such constitutional provisions would afford a more satisfactory and more durable assurance to the Services than protection dependent on treaty arrangements. Generally speaking for the future reasonable conditions of employment must be ensured by the conferment of adequate powers on the Public Service Commissions, Federal and Provincial, and it might be stipulated in the treaty that the new Governments should see that this is done at an early date—on the lines, e.g. of the Australian Commonwealth Services Act.

For so long as any special powers are retained for the Governor General it seems necessary that in respect of their exercise he should be subject to the superintendence of the Secretary of State.

It may be noted appropriately at this point that it is a corollary, even of a provisional constitution on the lines now proposed, that there should be appointed a United Kingdom High Commissioner who will relieve the Governor General of a number of invidious functions (relating to the protection and furtherance of British interests) which have been inherited from an earlier epoch and are even now proving an embarrassment to the Viceroy in his relations with his Council. It should be borne in mind, however, that the creation of this appointment will encourage the separation of the posts of Governor General and Crown Representative, despite the advantage of combining them in one person.

(ii) *The Federal Legislature.* In considering the composition of the Central Legislature it is desirable to have in mind a picture of the division of legislative powers between the Centre and the units. For this purpose the present Federal List (List I of the Seventh Schedule to the 1935 Act) has been examined to see how far the list could be reduced by the transfer of subjects to the Provincial List. The result is given in Annexure I. There seems very little that can be taken away entirely from the Centre; but the powers of the Units can be substantially increased by giving them concurrent powers in a fairly wide range of subjects.

Having regard to the result of this examination it would seem quite possible to retain generally the provisions of the 1935 Act in respect of the composition of the Federal Legislature—an Upper House directly elected on a high franchise and a Lower House indirectly elected by the Provincial Legislatures, so far that

[8] No. 271.

[9] [Note in original:] Pending the conclusion either directly or through H.M.G. of treaty arrangements the States, whether federating or not, would have no guarantee from the new Union Government for the protection of their rights.

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is as relates to the British Indian seats. But the history of the agitation carried on by Congress against the Princes before the war indicates that political opinion in India is likely to raise strong objection to the disparity of the arrangements provided for filling the States seats, the States representatives being appointed by the Rulers and not chosen by any prescribed democratic process.

To surmount this difficulty it is suggested that the Federal Assembly might be constituted by the *nomination* of members by both *Provincial Governments* and States, the nominations on the Provincial side being made from lists prepared by the communities in the Provincial legislature. The seats vacated by nomination to the Federal Assembly could be filled by subsequent by-elections; or alternatively the Provincial elections could provide for the election of a total number of members exceeding the number required for the Provincial Legislature by the number to be chosen and nominated for the Centre. This alternative suggestion would provide an "Agency" Centre, as indeed may be claimed for the arrangement provided in the Act, and would have the great advantage that both British Indian and States representatives in the Federal Assembly would be chosen alike by nomination.

If it were decided that in addition an Upper House should be set up it would be possible to consider methods of filling it alternative to the present plan of direct election. It might for example be possible to have an Upper Chamber composed of those who had held high office, administrative or judicial, and were willing to serve in it. Or a functional basis of representation might be considered with the object of providing a different cross section of opinion from that represented in the Federal Assembly.

Further considerations regarding the representation of the States are mentioned in (*c*) below.

(iii) *The Federal Executive*. The constitution of the Federal Executive is a problem as difficult as it is important. As in the Provinces, stability as well as adequate representation of minority communities is to be aimed at. The Executive should therefore hold office for the life of the Legislature, subject to the relaxations suggested for the Provinces in Paper I (45) 26.

As regards the method of composition, perhaps the simplest would be the election of the Executive by proportional representation by the Legislature from among its members, as has been suggested for the Provinces (Paper I (45) 26).

But it may be impossible to secure for this plan the assent of the Moslems, whose claim, at its highest, is for 50% representation in the Executive. It may be found necessary to lay down that the Executive shall be composed in a fixed Communal proportion, say 40% Moslem, 40% Caste Hindu, and 20% for the rest.

One alternative would be the election only of the Prime Minister, leaving to him the duty of nominating his Cabinet (in the proportions prescribed).

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Another alternative would be the division of the Assembly into four groups —General Seats, Moslem Seats, Others (British India) and States Seats, each group electing its panel (by proportional representation), the first three each electing two-ninths of the Executive and the States electing according to the proportion that accede up to a maximum of one-half of the British Indian members, i.e. up to a maximum of one-third of the whole. It would not be possible to prescribe in advance the total strength of the Executive, but a minimum number could be laid down in advance and the question whether it should be exceeded left to be decided on the advice of the four members heading the lists elected by the four groups.

(*c*) *The Indian States*

In the light of experience it would be prudent not to stipulate any proportion of the States the accession of which is necessary to the inauguration of the new constitution. No such stipulation was made in the Draft Declaration of 1942.

It is essential to bear in mind the difficulty of separately representing any but the large States in a Federation, and it is doubtless for the solution of this problem that Sir Zafrullah Khan has proposed the grouping of the States into eight groups. Annexure II to this paper shows how the States might be so divided into groups having a comparable number of seats in the Federal Assembly according to the distribution of seats given in the First Schedule to the Act. This grouping for purposes of representation would get over the difficulty of the artificial plan of rotational representation entailed by the arrangements in the First Schedule. It would of course be necessary to provide for a reduction of the number of seats to be filled by each group if not all the States belonging to it should accede; for this purpose some arrangement analogous to that laid down in paragraph 11 of Part II of the First Schedule would be required.

The functions of the Crown Representative will remain in relation both to non-federating States and to federating States in the matters for which they do not federate.

(*d*) *Amendment of the New Constitution*

Provision might be included, on the Canadian analogy, for the amendment of particular provisions of the constitution by Parliament at the request of the Indian Government, subject to endorsement by a specific majority of the Indian Legislature. It is to be noted, however, that a requirement of a two-thirds majority would render it very unlikely that the constitution would ever be amended to meet the wishes of a single minority, even the Muslims, or indeed those of all the minorities.

Certain sections (cf. under (b)(i) above on the protection of the Services) should be immune from amendment even with the support of the Legislature. Further, as this is a provisional constitution, Parliament must not be debarred

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from taking into consideration any measures recommended by the Government of India, even though not supported by the majority of the Legislature, and in this matter they would attach much weight to the opinion of the Governor-General.

Under the Second Schedule certain provisions of the 1935 Act cannot be amended without affecting the accession of a State. If something on these lines is retained for the States it would seem necessary to make a similar provision for the Provinces. Moslem opinion would be particularly sensitive in this respect.

The foregoing however must not exclude provision for the replacement of the whole constitution, which is professedly provisional, by a constitution devised and agreed upon by Indians themselves.

(*e*) *Position of non-federating units*

This is a problem for which as regards British India no satisfactory solution was offered in the Draft Declaration of 1942, which was probably devised to cover the association of a number of non-acceding Provinces in "Pakistan". Under the scheme suggested in this paper the problem arises formally only in the case of the States. It has been recommended above that the Provinces should be brought in without any option in the matter of accession. But everything should be done to remove any inducement to a Province to try to stand out.

D. Reconciliation of the foregoing suggestions with the declarations of His Majesty's Government.

(*a*) *Minorities*

The suggestions have been framed so as to make them as attractive to the minorities as seems possible—in respect particularly of the composition and stability of the Executives, Central and Provincial, and of the provisions relating to the amendment of the Constitution. In view of the strong support which the idea has received in India it is considered that the new Constitution should contain a charter of personal rights which would be interpretable by the Courts; the actual content of the charter must be left to Indians to fill in. His Majesty's Government would have to make it clear that they could go no further and that other provisions for the protection of minorities—e.g. those in a treaty, or the conferment of a special responsibility on the Governor General or Governors—were not feasible.

(*b*) *Equality with the Major Dominions*

It would have to be admitted that this scheme—or indeed any practical scheme—will not give India immediate full equality. Co-operation with His Majesty's Government in matters of defence and foreign policy is indispensable

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until India can defend herself, and the overt requirement of it inevitably entails some circumscription of India's full freedom in these matters. So long, also, as some States do not federate at all, and others do not federate for all subjects, the obligations of protection resting on the Crown will have to be honoured and therefore there will inevitably be some degree of interference with the internal affairs of the Union.

(*c*) *Framing of the Constitution by His Majesty's Government*

The justification of this lies in the failure of Indians to discharge the responsibility of framing their own constitution. But before any attempt is made to impose a new constitution it will be essential by preliminary negotiations with representative Indian leaders to secure for it as wide a measure of acceptance as possible. It is of course always possible—and actual imposition by His Majesty's Government would make it more likely—that one or more of the main parties might refuse their co-operation at the very outset; and it might therefore be necessary to provide for this by the inclusion of a breakdown provision analogous to Section 45 of the Act. But presumably on the introduction of the new constitution His Majesty's Government would make it clear that the constitution would function until such time as Indians would agree among themselves on its revision, and that what was being done was the outcome of His Majesty's Government's desire to help Indians to work out their own constitution by giving them something to go on.

Finally, though it is outside the terms of reference of this paper, it seems very desirable, in face of the widespread and increasing pressure in India for some positive action by His Majesty's Government, that an early announcement of Government's intentions should be made. The course of action is for the Cabinet to decide, but if a suggestion might be offered it might take the form of an announcement that a White Paper containing proposals for the revision of the 1935 Act is in course of preparation and that it is contemplated to send representatives to India next cold weather in order to discuss His Majesty's Government's proposals before they are presented to Parliament.

Annexure I to No. 337

THE LEGISLATIVE LISTS

A clear picture of the distribution of subjects between the Centre and the Units is an indispensable basis for the construction of a new constitution. This is a highly technical and difficult issue and precision can be reached only by lengthy and expert examination. But in order to get material to work on, a provisional scrutiny has been made of the present Federal List ("List I of the Seventh Schedule of the Government of India Act"), with the object of seeing how far one can go to meet Moslem claims that the authority of the Centre

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should be confined to a limited field, that of an "Agency Centre", the balance of power and all residuary powers resting with the Provinces.

Under the present Act (cf. proviso (i) to Section 8(i)) the Federal Authority has normally no executive powers in respect of any matter unless it is included in List I of the Seventh Schedule. It is suggested that this arrangement should be altered, so as to give the Federation executive authority in respect of any legislation enacted by it within the field of its legislative powers, whether these are included in List I or in the Concurrent List, List III. This modification, which has been assumed in the present scrutiny, would enable a number of subjects which are at present Federal to be placed in the Concurrent List, thus adding to the Provincial field without reducing the power of the Federation to ensure e.g. the discharge of obligations assumed by India under international undertakings.

The result of the scrutiny suggests that there cannot be any really substantial reduction in the present Federal field. The possible changes seem to be as follows. The following items of List I (granted the assumption noted above) could be made concurrent:—7 (Posts, telegraphs, broadcasting, etc.); 15 (Ancient Monuments); 16 (Census); 24 (Air navigation); 26 (Carriage of passengers and goods—at any rate by air); 27 (Copyright, etc.); 31 (Opium); 33 (Corporations); 37 (Insurance); 38 (Banking); and 48 (State lotteries). The following items might go wholly within the *Provincial* field: 13 (Benares and Aligarh Universities); 29 and 30 (Arms and Explosives—subject to examination in relation to defence); 32 (Petroleum—safety, etc.); and 50 (Migration within British India). Two items—4 (Ecclesiastical affairs) and 52 (Ranchi European Mental Hospital) might be omitted and regulated by treaty provisions. The institutions referred to in item 11 (Imperial Library etc.) might be "de-officialised"—turned into corporations in receipt of a Federal subsidy. A modification might be made in item 20 (Railways) to give the Provinces powers in regard to staffing. With the possible exception of the taxing items 54–58, the allocation of which depends on the financial settlement, all the other items should be retained in List I.

Annexure II to No. 337

REPRESENTATION OF STATES IN A FEDERAL ASSEMBLY
(see pages 228 ff. of Government of India Act, 1935)

If it were desired to arrange the States into eight groups for representation in a Federal Assembly, the following arrangement—based on Part II of the 1st Schedule to the 1935 Act—would be a possible one. Rulers of States inside each group would collectively elect the group representatives, each Ruler having votes in proportion to the population of his State as recorded in col. 5 of the Table in Part II of the 1st Schedule.

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Group	Composition (with reference to Table in Part II of First Schedule)	No. of Seats
1	Hyderabad. Div. I	16
2	Mysore, Travancore, Cochin, etc. Div. II & IX	14
3	Kashmir, Kalat, Punjab States. Div. III, VI, XIV, XVII (1 seat) ..	17
4	Gwalior, Rampur, Benares, Rewa and Bundelkhand. Div. IV, VIII, XI (part)	12
5	Eastern States, Sikkim, Manipur. Div. VII, XV, XVI, XVII (1 seat) ..	18
6	Rajputana. Div. X, XVII (1 seat)	18
7	Baroda, Western India, and Gujarat. Div. V, XII, XVII (1 seat) ..	16
8	Central India (less Rewa and Bundelkhand), Kolhapur and Deccan States. Div. XI (part), XIII, XVII (1 seat)	14
	TOTAL	125

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Minute by Mr Churchill

L/PO/8/11: f 48

10 DOWNING STREET, WHITEHALL, *25 March 1945*

Reference: Mr. Amery's letter of 20.3.45[1]—proposed dinner to Lord and Lady Wavell.

S. of S. for India.

I consider my meeting with him had better be purely official. I should like to know where he stands. I might see him Wednesday or Thursday. Mrs. C. will be gone to Russia. Meanwhile the Cabinet Committee can open their discussions with him.

W.S.C.
23.3.

[1] Mr Amery had written to Mr Churchill saying that he did not consider any formal Government dinner with speeches would be needed to mark Lord Wavell's arrival but felt the Viceroy would appreciate a small dinner party at 10 Downing Street where he could meet members of the War Cabinet and India Committee. L/PO/8/11: f 49.

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War Cabinet

India Committee. I (45) 13th Meeting

L/PO/6/108c: ff 286–96

Those present at this Meeting held in Conference Room 'B', War Cabinet Offices, S.W.1, on 26 March 1945 at 10.30 am were: Mr Attlee (in the Chair), Sir John

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Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel, Field Marshal Viscount Wavell; Sir G. Laithwaite (Secretary)

MR. ATTLEE welcomed the Viceroy, and invited him to give his general appreciation of the Indian position.

STATEMENT BY THE VICEROY

LORD WAVELL said that before he assumed Office in 1943 he had been given a directive[1] from the War Cabinet. Since then he had had eighteen months as Viceroy. His instructions were briefly—(1) to press on with the war and secure the maximum degree of Indian support for it; (2) to do what he could to secure the economic progress of India and raise the standard of living of her people; (3) to endeavour to secure a settlement of Hindu-Moslem differences and (4) if possible, to make proposals about political progress.

India and the War

As regards the first of these points, he thought that India had continued to play up extraordinarily well during the war and the Supreme Commander had testified that he had had the fullest support from India. During the time that India was invaded a year ago, she had remained remarkably calm, and there had been no panic such as might have been expected earlier. She was now clear of war alarms and was not, he thought, any longer greatly disturbed about the war.

The morale of Indian troops in Burma was remarkably high, and impressed visitors from the United Kingdom who had seen them. In quality, the Indian Army were more than a match for the Japanese. The war therefore, so far as India was concerned, was going well.

But the strain on India's economy produced by the war was continuous. There was still an inflationary gap of about 160 crores uncovered and the country was still on the verge of inflation. Prices had been steady over the last eighteen months, although lately there had been a slight tendency for them to rise again. The food position had very greatly improved. The whole administration of the food problem had, in the first place, made considerable progress. India now had rationing in large towns almost all over the country and a control of prices as far as possible given Indian administration. But the margin was precarious. Any cessation of imports would again produce a critical situation over food and it might indeed be necessary to ask for higher imports. When he left there was a wheat crisis in the United Provinces, due to the fact that the Indian peasant, now that he could afford to do so, was eating more wheat than formerly. Much the same was happening in the Punjab, where wheat was not coming into the market as had been expected. In Bengal there

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was a good reserve of rice but the Governor was still very anxious about the position during the next three or four months. In a word, the general food and economic position was for the moment satisfactory, but it had been very hard held and without imports on the level which had been maintained India might have had to face another famine.

Post-War Economic planning

As regards the second term of his directive, he had done his best in the economic field to get India planning and preparing for her post-war problems. He had appointed a special member of his Council, Sir A. Dalal, for post-war planning and had been trying hard to get a deputation of the big Indian Industrialists to visit this country. Planning he thought was going on quite good lines but there were difficulties. But India was at any rate beginning to realise some of the problems that faced her.

Hindu-Moslem relations

As regards the third term of his directive, the situation was exactly the same as eighteen months ago. Gandhi and Jinnah had had conversations with one another, but on parallel lines, and neither had changed his attitude in the least.

The Political position

Finally, as regards the *general political programme* he had put certain proposals to the Cabinet in September, 1944.[2] The problem of India was, in his view, the most important and urgent the Empire had for the moment to face. It was important because the economic future, the security and the reputation and prestige of Great Britain in the East depended on our finding some solution of, or making some progress in, the Indian problem. We should be in a much better position to get the Indian market and co-operate with Indian Industry if we could make more political progress. And a secure India was the basis of the future of the Empire and of the world.

As regards the *urgency* of a settlement, he did not think that we could for much longer carry on under the present basis. India was quiet and could be kept so until the end of the war. But so long as we made no move there was a steady political deterioration and a worsening in the administrative and the general position. We were now responsible for everything that happened in India, but while there might be serious developments at the end of the war we should not have the power to control them. At the centre *the Governor-General's Council*, instead of being as in the past a small body of seven with a European majority and under effective control, was now a body of 15 with 11 Indian members, who could therefore out-vote the European side on any political problem. While the Viceroy had a veto, it was difficult for him to exercise

[1] Vol. IV, Enclosure to No. 172. [2] No. 19.

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that veto against a clear majority of Indians. His predecessor had not in fact exercised it nor had he himself so far had to do so.

The Indian Civil Service, which provided the administrative machinery in the centre and the provinces—was almost moribund. It was breaking down rapidly, partly because we began the war with a very light administration, to which the war had added innumerable problems to be handled under great pressure, in addition to their ordinary work, by men already overburdened and in need of leave. Moreover, extensive Indianisation had not added to the efficiency of the machine or to its capacity to meet the new problems thrown up by the war. It was almost impossible nowadays to find the men needed for responsible appointments. Even if recruitment to the Civil Service were re-started, it would be a weak machine to face the post-war problems for some time to come.

As regards *general Indian opinion*, while we were getting co-operation over the handling of general problems in some ways—recruiting, etc.—the politically minded and educated classes were giving little or no co-operation. We ought to try to harness that particular element to work on India's problems instead of merely agitating and criticising the Government as at present.

We had so far concentrated on reaching agreement on the elements of the Constitution before taking Indian politicians into the Government and beginning to hand over power. But he was clear that Indian politicians could not and would not solve their problems, as things stood, and that no conference or attempt to get them together would succeed. In those circumstances, his own strong view was that we should tackle the matter from the other end and try to get the main elements of the Indian political parties working together in the Government with responsibility for solution of India's economic and post-war problems. Once they got accustomed to handling concrete problems together, some solution of the constitutional problem might emerge.

The Viceroy's Constitutional Proposals

His suggestion was that he should be given authority to try to form an Executive Council from some of the political leaders to work under the present Constitution. The position of the new Council would be identical constitutionally with that of the present Executive Council. He contemplated no change of any sort from the present constitutional position. There would be no convention that the Viceroy's veto would not be used. He would not be prepared blindly to accept a party list named by political leaders, and while he would consult leaders and members of his Executive Council, instead of as at present selecting men to fill vacancies on his own initiative, he would not be prepared to accept anyone whose name was put up if he thought him unsuitable, or unable to run an administrative department. He would like to broadcast his proposals, and invite the smallest possible number of leaders (not

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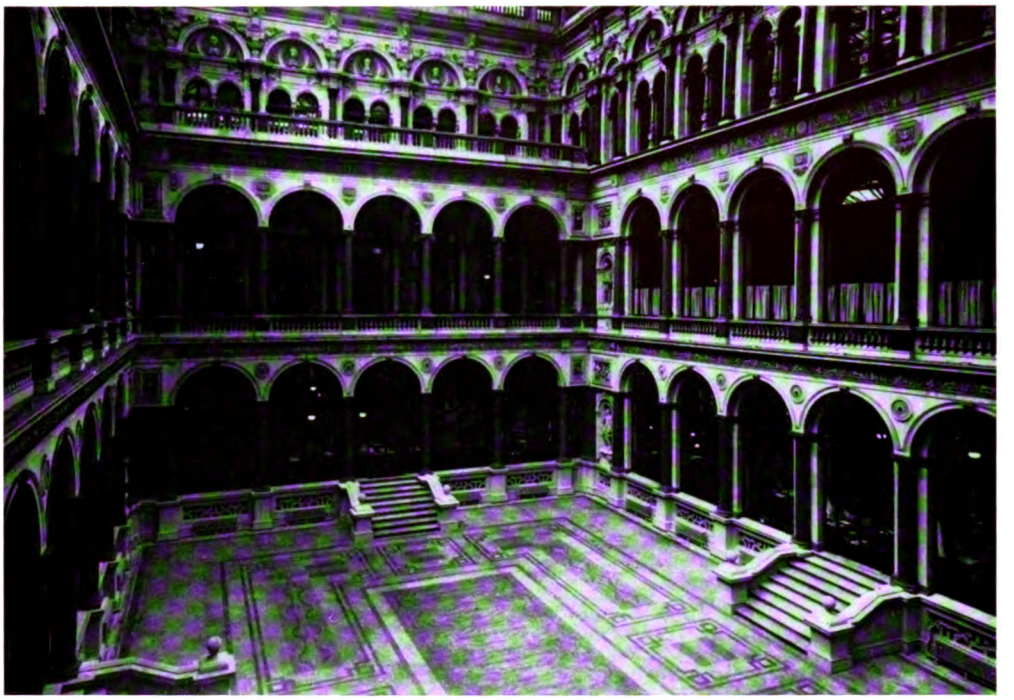

Above: The India Office Quadrangle
Below: The Viceroy's House, New Delhi, from the East Front

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Mr C. R. Attlee

Lord Simon

Sir John Anderson

Mr L. S. Amery

Sir James Grigg

Sir Stafford Cripps

Mr R. A. Butler

Members of the India Committee of the War Cabinet

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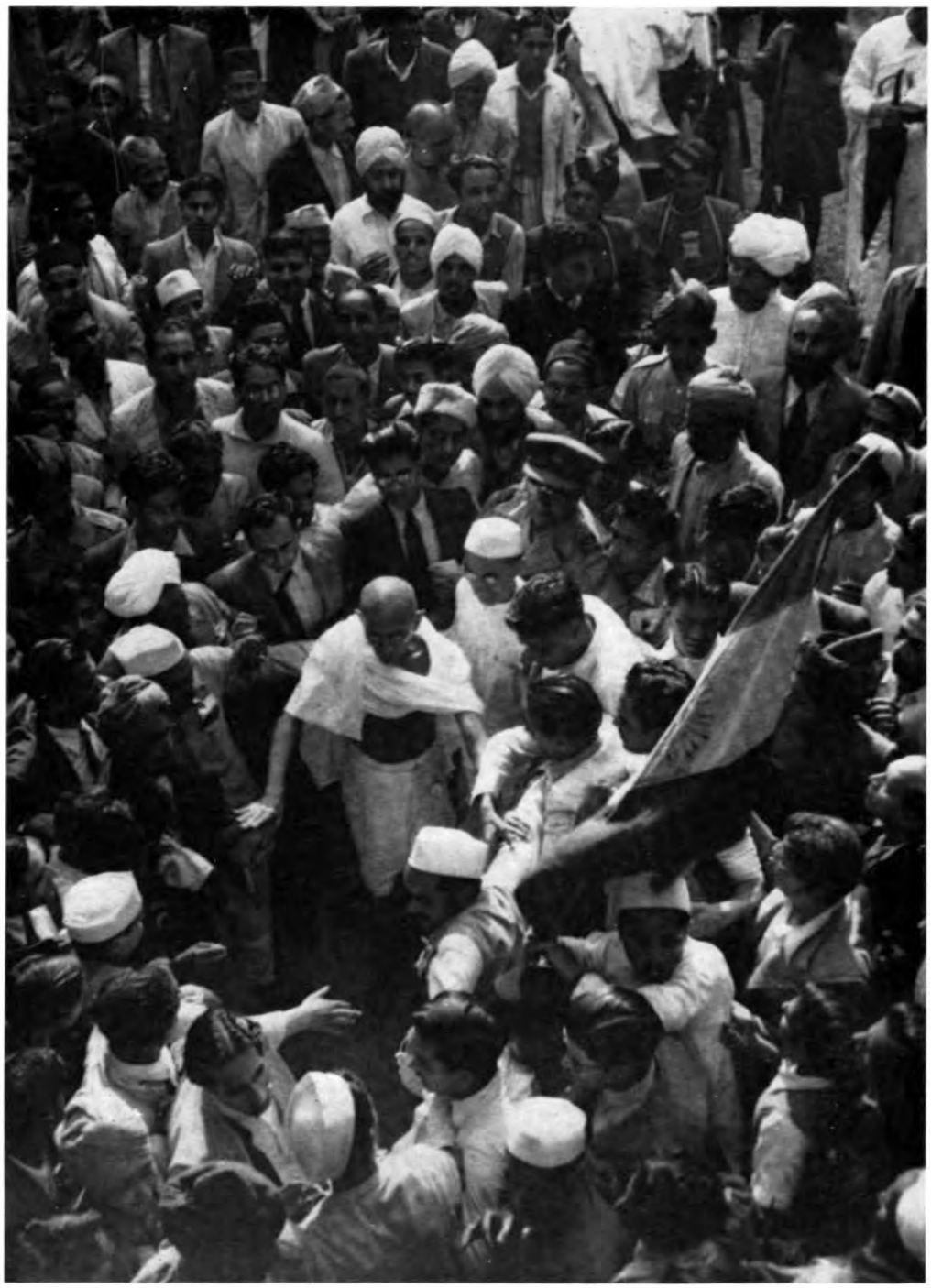

Gandhi leaving Viceregal Lodge, Simla, after his interview with the Viceroy on 24 June 1945.
See Document 536

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At the opening of the Simla Conference. Leaders waiting in the grounds of Viceregal Lodge to be introduced to the Viceroy. Left to right: Pandit Pant, M. A. Jinnah, C. Rajagopalachari, Sir Muhammad Sa'adulla, Maulana Abul Kalam Azad, Khwaja Sir Nazimuddin

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more than 8 or 9 in any circumstances) to meet him in a conference and try to form a Government on these lines. But the actual procedure by which an attempt, such as he favoured, should be made to form such a Government was open to discussion.

His proposal was thus broadly that a first step forward should be taken at once. If it was successful the resulting Government might in time propose its own conference to discuss the constitutional problem. That conference might come early or might not come for some time. A Government such as he suggested might well have to carry on for some years under the existing constitution.

Objections to his proposals

He was very conscious that there were *objections to his proposals*. In the first place it could be argued that acceptance would bring Congress back into a considerable amount of Power. That was undoubtedly a serious objection. Congress had been bitterly hostile to this country and to progress generally for a very long time past. On the other hand, it was impossible, in his judgment, to by-pass Congress. For his first year of office he had thought that it might be possible to do so. But he was now clear that it was not possible whether Gandhi lived or not. The moderate element of Congress was at the present time in a more co-operative mood. The big business backers of Congress were getting nervous of what might happen unless a moderate Government could be got into the saddle. While his proposals would put Congress back on the map he thought that the risks should be faced.

Next it might be argued that they would upset his present Council who had done very good work. That was quite true, but he thought his present colleagues were expecting something on these lines, and while there might be a certain loss of efficiency while the newcomers were settling in, he did not think it would in the long run be very great.

There were certain other disadvantages. The Punjab, which had run its own affairs very well for eight or nine years, would be upset by the Moslem League getting into power at the centre. He thought himself that the Punjab was now strong enough to resist either Gandhi or Jinnah if it played its cards properly.

Finally, it was argued that the failure of his scheme (and he could not guarantee that it would be successful, and demands which would have to be refused, might be made as a condition of its acceptance), would make matters worse, and there would be increased frustration and bitterness. That was certainly a material criticism but he did not think that it was necessarily valid.

Attitude of the Governors and high officials

The eleven Governors, with whom he had discussed this matter last Autumn,[3] had then been unanimous that we ought to make a move forward before the

[3] See No. 1.

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end of the war. They had not been unanimous as to the method. But Sir Maurice Hallett, the very experienced Governor of the United Provinces, had expressed himself[4] as in favour of the Viceroy's scheme and it had also the support of the Governor of Bombay (Sir John Colville).[5] The Governor of the Punjab (Sir B. Glancy) was nervous from the point of view of that Province but agreed that it was right to try a step forward.[6] The Commander-in-Chief entirely agreed and was not apprehensive of a bad effect on the war and the Army even if the Viceroy's proposals were to fail. The Political Adviser (Sir F. Wylie) favoured the move and did not think that it would have a bad effect on the Princes.[7] The Home Member (Sir F. Mudie), an officer with great provincial experience, approved it.[8] In fact the general feeling of the official element was that we ought to make some move.

By "approval" he meant approval of his putting forward the scheme he had suggested (with as a corollary the reforming of the Governments in the Section 93 Provinces) on the lines he had proposed.

What was now vitally important was a really sympathetic attitude on the part of His Majesty's Government. India was beginning to feel her feet in the outside world. She had done well on international conferences and representation at them meant much in terms of prestige. Since he had become Viceroy he had been trying to develop Indians' confidence in themselves and to make them feel that India was a big country and that they, its representatives, ought to make themselves felt. He was sure that that was most important, and anything that contributed to it such as the appointment of a Minister at Washington, was well worth while. If we wanted India in the post-war period to be a Dominion, we should treat her more like one than at the present time.

DISCUSSION

In the discussion which followed a number of points were raised:—

Attitude of Mr Gandhi

LORD WAVELL said that in assessing the possible influence of Gandhi on the new Government it should be remembered that he was now 75 and a fairly sick man, who according to some reports could only think consecutively for a few minutes. He might not therefore be able to make himself so much felt as in the past. Moreover according to Mr. Desai he had been ready to accept the Desai-Liaqat proposals, which were not so very different from the Viceroy's scheme.

Attitude of Mr Jinnah

LORD WAVELL said that Mr. Jinnah would of course never commit himself. He had told the Viceroy[9] that he was himself convinced, and could convince him, that Pakistan was the only solution. When he had pointed out to Mr. Jinnah the force of the arguments against a division of India in the present

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circumstances, Jinnah had agreed that it might be better to have a provisional government to finish the war. He had, he said, been ready to come into the Government on certain terms in August, 1940, and still was, but that Congress had never been willing. The Governor of Bombay, who had seen Jinnah[10] at his request, had been informed by him that he knew nothing of Liaqat Ali Khan's conversations with Bhulabhai Desai and that these were quite unauthorised, but that he would be prepared to consider an offer, and would be ready to come to Delhi to see the Viceroy. He had come to Delhi but had been taken ill, and Lord Wavell doubted if we could get any further until we were able to say something definite to him. Mr. Desai had, however told Lord Wavell that he was certain that Jinnah knew all about what was going on, a view which the Viceroy shared.

LORD WAVELL thought Jinnah's control of the Muslim League more uncertain than it had been. There had been trouble recently with the Governments in Sind and Assam, and in the North West Frontier Province the Muslim League Government had resigned. In the Punjab the Premier, Khizar Hayat Khan, had stood up to him. It should be remembered, too, that Jinnah was now getting on in years and was not very fit, though his brain was as active as ever.

Attitude of the Congress in the Provinces

In reply to an enquiry as to whether there was any desire on the part of the parties to get back to the operation of the Constitution, LORD WAVELL thought there was a desire on the part of Congress supporters to get back into power. The position in the *North West Frontier Province* was quite special and too much should not be built on the recent replacement of the Muslim League Government by Congress. In *Bengal*, where there had been recent suggestions of a possible reconstitution of the Government politics were always fluid and it would not be wise to attach too much significance to what had been going on. In *Madras* the division was really Brahmin against non-Brahmin. All the Provinces had their different problems. *Bombay*, he thought, would be prepared to form a Congress Government with a coalition element if approval was given by the High Command. Thinking people in the Congress were now more inclined to recognise the need for coalitions, and the mistake that had been made in 1937 in quarrelling with the Muslims.

Attitude of the Working Committee

LORD WAVELL said that ten or eleven members of the Working Committee only were still in confinement. They had now been removed from Ahmednagar

4 See No. 33. 5 See No. 75. 6 See No. 70. 7 See No. 12.
8 See No. 9 but also Nos. 55 and 59. 9 See Nos. 138, 139, and 148, para. 3.
10 See Nos. 283 and 287.

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each to his own province. Pandit Pant had recently been released on medical grounds. Of those still in detention only Patel, Nehru, and one other were of any importance. As individuals he doubted if, if released, they would do any harm. On the other hand, if they were all let out they might re-form the Working Committee and so give trouble. He could not say how Nehru's mind was working, but thought he was still bitter and doubted if his attitude had greatly changed, but he agreed that in the Congress he probably commanded the political Left Wing, but not the industrialists from which Congress drew its financial support.

SIR STAFFORD CRIPPS said that the Viceroy had reported earlier[11] that Mr. Desai preferred that the Working Committee should not be released until the new Government which he had advocated had been formed. On the face of it that sounded dangerous and ominous. What was Lord Wavell's view? LORD WAVELL said that Desai had been anxious to form his Government before the Working Committee was released so that there could be no question of its interfering with him in doing so. He agreed that the point was an important one. He thought there was little question that the Working Committee once they were released would become an Opposition.

Attitude of the Army

In reply to an enquiry as to the attitude of the Army, LORD WAVELL said he thought there was no question of any spread of political ideas among the troops. As regards the Officers, we had taken in a very large number of temporary officers from all classes, some of whom might be politically minded. There was, however, no sign in the Army as a whole of any sort of political movement. There had been in connection with the August 1942 disturbances a single case of a temporary officer who had resigned because he did not agree with the Army being used in those disturbances, but his case, Lord Wavell thought, was unique. He doubted very much if the vast majority of the Army ever thought of the Pakistan issue. An Officer, whatever his religion, had Hindus and Muslims alike serving under him. In Arakan there had been one Indian brigadier with three Indian commanding Officers, and this had worked without any difficulty. In the Indian Air Force and the Indian Navy it was the case that Muslims and Hindus messed together.

THE VICEROY'S PROPOSED SCHEME

Arrangements for initiating the Scheme

LORD WAVELL said that his intention had been to invite Gandhi and one other member of Congress to the preliminary Conference, which he had proposed. If Gandhi nominated either as the second representative or to replace himself a member of the Working Committee or anyone else who was still in

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confinement, he would be let out for the purpose. If, however, Gandhi were to say that he must first consult with the Working Committee, he would reply that in that event he could not receive him. In reply to Sir Stafford Cripps, Lord Wavell agreed that perhaps no great harm would result from a discussion between Gandhi and the Working Committee, but that in any case there would now be the difficulty that the Working Committee were now scattered over India.

Practical Application of the Scheme

THE MEETING then discussed the practical application of the Viceroy's proposed scheme. The following points were made:—

(1) The effect of the scheme would be that a number of party leaders would be appointed to serve as Ministers, but with no greater responsibility than the present Executive Council had to the Assembly. What would happen when the Assembly met? Would the new members have to act with their parties in the Assembly?

LORD WAVELL said that he hoped that this would not be the case. The balance between Hindus and Muslims, who on his scheme would have equal numbers in his Council, was a very great safeguard. A man, or a party, would not leave office if they thought that they would be replaced by others not of their own view or by a different community. Admittedly, there was the danger that he might be confronted by a situation that could not be foreseen which would threaten to force his hand. But he did not think that that would happen given a reasonable body of men. He was more apprehensive of the risk of control by the party caucuses from outside. Here again, however, the real safeguard was the balance between the two parties. Defeat in the Legislature would be no new thing. A Government composed as he now suggested would he thought be ready to disregard the opinion of the Legislature if they saw that the attitude of that body was contrary to the true interest of India.

(2) SIR JOHN ANDERSON said that the old tradition had been that Members of Council were not free to make political speeches. Was it proposed that the members of a Council reconstituted as now suggested would be free to do so and to act as representative leaders? If so, it would represent a development of importance.

Liberty of Executive Councillors to more [?make] political species [?speeches]

LORD WAVELL said that he had made it clear to his present Council that while it was right that they should visit the provinces and expound the policy of their department, any speech of a broader character which did not represent

[11] No. 197.

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the view of the Council should only be made after discussion in Council. But in the case of the new Council he hoped that they would act in a more representative capacity, and would see no objection to their speaking with greater freedom. MR. AMERY said that there had been some relaxation of practice in this matter, consequent on discussion between Lord Linlithgow and himself in 1942. It had been felt then that the benefits flowing from a less rigid convention outweighed the disadvantages.

Overriding of Council: the Viceroy's veto

(3) MR. ATTLEE said that under the existing Constitution the Council was composed of individuals selected because they were leading Indians or leaders of important groups. The Viceroy had informed the Committee that it had not been necessary to override them. Now, however, it was proposed to bring in representatives of the parties. Was it proposed to override those representatives or not? If they were not overridden when necessity arose, would this not represent a Constitutional advance as a result of which the Viceroy would rapidly move into the position of a Dominion Governor-General? If, on the other hand, they were overridden, might they not walk out?

LORD WAVELL said that the real safeguard was the communal balance. Unless Hindu and Muslim were united, they could not out-vote him. His present Council who were very sensitive to opinion in the Legislature, were sensible enough in his experience when they saw the evident interest of India. He thought the same would be true of the new body which he recommended. For the reasons he had already given, while he could not give an absolute guarantee, he thought a walk-out unlikely. He did not feel that the existence of the Viceroy's veto had given the Viceroy an authority that he would not otherwise possess in dealing with his Council. He had never himself threatened to use the veto. When things were going badly inside the Council the situation was best dealt with by the ordinary tactics of an adjournment and discussion outside.

LORD SIMON said that under the existing Constitution the Viceroy was Prime Minister in his Cabinet. He might not overrule his colleagues, but he was a person of great influence. Was there really much difference between not vetoing and the proposition that a strong and authoritative personality holding a great position in India, exercised overwhelming influence in Council? If that was right did the new plan really involve a form of Government in which Mr. Desai, for example, would be Prime Minister? Would the Viceroy under the new plan have the same capacity and opportunity for guidance as at present?

LORD WAVELL said that his scheme did not in any way envisage a political leader as the Prime Minister. The Viceroy's position would remain unchanged. It was hardly correct to suggest that the Viceroy's influence was at the moment

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in fact overwhelming. He had of course to do his best to guide his colleagues in the right way. But the Viceroy always had behind him the Secretary of State and that was of much importance in handling certain issues.

LORD SIMON said that he would like to test the matter in a different way. It might be necessary to dismiss a colleague drawn from a particular party. Under the Viceroy's scheme would he go back to that party for another name? Was there not the risk that a worse selection might be nominated? LORD WAVELL said that, as he had already explained, he would not be prepared to accept either a party list or a name submitted to him which he regarded as unsuited. He would still ask for several names to be submitted for his choice.

(4) MR. ATTLEE suggested that an Executive Council composed of representatives of parties seeking to secure full power in India would have a different reaction from the present Council. Was there not the risk that Muslims and Hindus would regard entry into the Viceroy's Council on a party basis as the storming of the outer defences, and make it their object thereafter to consolidate and get into a position in which the Viceroy would have less and less and they more and more authority, so that the system would approximate to the Parliamentary system in this country?

LORD WAVELL said that that was a possibility that could not be excluded. He had already made clear that he could not guarantee to form a Government such as he had suggested. There might be a breakdown on the threshold, responsibility for which would of course be placed on the Viceroy and His Majesty's Government. Over preliminary conditions which he would not be prepared to accept—such as acceptance of names submitted, suspension of the veto, etc., he thought that risk should be faced. If in fact he once was able to get representatives of the parties to join in a business Government, he hoped that they would concentrate on the difficult problems in front of India. It was hard to say whether real good-will could be expected in the sense that individuals selected would desire to make a success of Government and not work up to a breakdown on their own terms but he would hope for the best. The real hope was in the sort of man selected. A Government of the nature in view would probably be stiffer in its attitude towards His Majesty's Government, but it would command greater public support for the prosecution of the war and for reconstruction.

Size of Council and representation of Minorities

(5) SIR STAFFORD CRIPPS pointed out that Mr. Desai had suggested a Council composed in proportions of 40 Hindu, 40 Muslim, 20 Miscellaneous. Would it in fact be possible with so small a number to secure sufficient representation for the various Minorities? Had consideration been given to the

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possibility of junior or subordinate Ministers? LORD WAVELL said that he would himself prefer to start with an Executive Council smaller than the present one. It would be impossible to represent all the Minorities. He had had in mind one Sikh, one Depressed Class, four or five Hindus, four or five Muslims. He would try to keep Sir A. Dalal, a Parsee, as an extra. He was anxious to have a non-League Muslim and a non-Congress Hindu at his proposed Parliamentary [? Preliminary] Conference. The precise composition within the proportions indicated of the council would be a matter for negotiation. He had not given consideration to the possibility of junior Ministers.

Acceptance by His Majesty's Government of responsibility for framing a Constitution

(6) SIR JAMES GRIGG said that policy in this country in relation to India had ranged from a feeling that we were ourselves responsible for producing a Constitution for India—the old 19th century conception—up to the Cripps offer, the effect of which was that we would accept anything that the Indians produce for themselves. Lord Wavell as he understood it now felt that we could not escape the responsibility returning to His Majesty's Government, and that there would be no advance unless we were prepared to take the responsibility of bringing it about. LORD WAVELL confirmed that this was the case. Sir T. Sapru in a recent conversation[12] with him had said that if the Indians could not agree, His Majesty's Government must produce a solution, and that it must if necessary be imposed on India. He had, however, had no answer to the Viceroy's suggestion that that necessarily involved that His Majesty's Government must stay in India to enforce the Constitution. An imposed Constitution inevitably meant our remaining to protect it.

SIR JAMES GRIGG said this was a point of the first importance. If India would recognise the need of our remaining in the country till full Dominion status could be achieved, much could be done. It should not be overlooked that Dominion status must mean an Indianised army. That would take 20 years to produce during which the Indian Army would have to be officered by a proportion of Europeans.

SIR JOHN ANDERSON said that our attitude had been that we were prepared to give independence to India, but that Indians must first agree among themselves. The Viceroy had just said that we must be prepared to see an imposed Constitution through. That of course meant that we could not produce a Constitution which gave Dominion status, because the presence of an alien Government was inconsistent with that. If there was to be a transitional period during which we remained in India to safeguard the working of the new Constitution, it must be accepted that during that period India would not be enjoying Dominion status.

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LORD SIMON pointed out that Dominion status only came as the result of the action of those who were going to enjoy it. It was impossible to "confer" Dominion status on India. He could not himself see how under Dominion status the Viceroy could be anything but a dignified figure head.

(7) MR. ATTLEE said that the real difficulty in the minds of the Committee was the fear that the Viceroy's scheme would not be used in the way the Viceroy intended, and that a deadlock would result unless it was used in a manner for which it was not [*sic*] intended. While the present position might lead to a deadlock, there was no gain in substituting an alternative which would leave the same result.

LORD WAVELL agreed that there was a risk. But it was not, in his judgment, so great as the risks involved in sitting still and letting things get worse. There was a spirit of greater co-operation abroad. The selection of India's representatives at the Peace Conference and at international conferences from the Executive Council would be, he thought, a great inducement, and in order to obtain it political leaders might be prepared not to press for too much. If we could get the type of Government going which he now advocated, Gandhi and Jinnah would not live for ever and the position might well change. He would himself like to reach the end of the war and face the post-war problems of India with colleagues in Council who could claim to be representative of the people of India, and while they might be more difficult to handle than his present colleagues, he thought that this would be worth while.

(8) MR. BUTLER said that he was uneasy because the Viceroy's plan gave to elements of which the Viceroy was doubtful increased power without increased responsibility, and exposed us to great danger in the future while putting a very heavy burden on the Viceroy. Why had the idea been rejected of keeping Council Government as at present and working towards a new Constitution? If we were going to introduce into the Council representatives of the main political parties, would it not be better so to frame the Constitution as to put responsibility on them and not on the Governor-General?

LORD WAVELL said that it was not possible to change the Constitution during the war. Moreover, if we tried to change it we should be brought up at once against the communal problem which was not now soluble. Nor would we attain Mr. Butler's object by concentrating on Constitution making, even if we co-operated from here or arranged for a joint examination with Indian leaders. India did not want theoretical discussion of Constitutions, but some share in the power of controlling the destinies of India.

(9) LORD LISTOWEL asked whether Lord Wavell would see advantage in saying that we were proposing to start at once to examine the content of the

[12] Enclosure to No. 290.

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treaty to govern defence and other relations between Great Britain and India, which was recognised as necessary. LORD WAVELL did not think this would be desirable at present, though it might come later. If his experiment were to be accepted and to go well, he thought that from it there might result in the first place a body to consider the Constitution, and that when this body had been sitting for some time it would be worth while announcing a separate investigation of the content of a treaty.

THE CHAIRMAN thanked Lord Wavell for the assistance he had given the Committee, and suggested that the discussions should be resumed at 10.30 p.m. on Tuesday, 27th March, at 11 Downing Street. Meanwhile members of the Committee would consider the various points that had been raised.

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War Cabinet

India Committee. Paper I (45) 39

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AN INTERIM CONSTITUTION

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *26 March 1945*

The memorandum (I. (45) 37)[1] by my Advisers embodies a number of valuable suggestions as to the structure of a possible interim constitution under which Indian self-government might start in default, or at any rate in advance, of agreement such as was postulated in the 1942 Declaration.

Much will depend upon the presentation of such a policy. To announce that failing Indian agreement by a certain date we shall impose our own Constitution implies contempt of Indian capacity to agree, and also suggests that what we propose is something better and therefore intended to be permanent, even if we describe it as provisional. The right presentation, it seems to me, is to say that we are anxious to give India her freedom to the fullest extent possible without waiting for the inevitable delays involved in arriving at agreement upon a permanent Constitution, and to emphasise our view of the provisional nature of the arrangement by introducing only such changes in the existing constitutional set-up as are necessary to secure the representative character of the government and to safeguard the position of the minorities.

From that point of view the inauguration of the new interim system should be fixed, with reference not to any discussions of the permanent constitutional

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problem, but to the earliest practicable date at which it could be brought into effect, i.e., as soon as possible after the termination of hostilities.

The one change in the constitutional structure essential to make it acceptable to the Moslems is that they should be secured a definite proportion of places in the Executive and that the Executive should be independent of the Legislature. In order at the same time to ensure the representative character of the Executive it would have to owe its existence to some recognised democratic constitutional process. My Advisers have suggested election by the Legislature by Proportional Representation, i.e., in effect the Swiss system. To secure the right communal proportions in the Executive, the Legislature would have to be divided into panels for the purpose. Provision might have to be made, as in the Swiss system, to secure a reasonable geographical distribution of the Executive.

An alternative which would ensure this, perhaps too effectively, would be for each Provincial Government or Legislature to nominate one member, leaving the Governor-General, if necessary, to make up the communal proportions in consultation with the Prime Minister.

My Advisers in I. (45) 26[2] have suggested that the Prime Minister should, as such, be elected by the Legislature at the outset. I am not sure that the selection of a Prime Minister is not best left to the Governor-General or Governor from the point of view of the individual most likely to command the loyal co-operation of the team as a whole. It might also be desirable as the result of experience to change the premiership within the team, which would be more difficult if the Prime Minister were directly elected.

With a representative Executive the Governor-General's powers would naturally be reduced, so far as the affairs of British India are concerned, to those of a constitutional sovereign except, perhaps, in respect of the fulfilment of British India's treaty obligations to the States. So long, however, as the functions of Crown Representative and Governor-General are combined the former is in a specially convenient position to urge his point of view in reinforcement of treaty obligations. My Advisers have very rightly pointed out that in the new set-up the defence of United Kingdom interests and of the United Kingdom's point of view should, as in the Dominions, be entrusted to a United Kingdom High Commissioner. Conversely, many of the present duties of the India Office would be transferred to the High Commissioner for India in London.

A moot question is whether the interim Constitution should be confined to British India or be left open within the framework of the 1935 Act to accession by the States. The present method of States representation in the Legislature has been vehemently criticised from the Congress side. On the other hand, provision for the States would be read as implying that, in spite of our protestations,

[1] No. 337. [2] No. 271.

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we were envisaging a permanent all-India structure, which is the one thing to avoid if the advocates of Pakistan are to be induced to acquiesce in the arrangement. In any case it would have to be emphasised that the non-adhesion provisions of the 1942 Declaration still hold good for the Provinces as regards the framing of the permanent Constitution. It might even be necessary to make definite provision for the right of secession of a Province or group of Provinces from the interim Constitution if no permanent Constitution were agreed upon within, say, five years.

To sum up: I should be inclined to confine the interim Constitution to British India and to make no other changes in the 1935 Act except those necessary for the setting up of the new Executive at the Centre and in the Provinces, in so far as that cannot be covered by revised instructions to the Governor-General and Governors, or for the removal of provisions incompatible with full self-government, such as the economic safeguards for British firms.

The next question to settle is that of the actual procedure. There are obvious advantages in announcing a decision as early as possible. If that is done it would only be appropriate to offer to discuss our plan with leading Indians in the interval. For this purpose it should not be necessary to set up any large-scale conference or commission. The simplest thing would be for the Secretary of State to take the plan out for discussion with representatives of Indian opinion, prepared to agree to such minor changes as might make it more generally acceptable, but not to vary its main principles.

With the interim plan agreed the various treaties dealing with trade, defence, the fulfilment of our obligations to the States, &c., could be worked out with the existing Government of India so as to be ready for submission to the new Government, which could then, with the least loss of time, ratify or amend them after further negotiation. Except as regards our obligations to the States these treaties should be of reasonably short duration so that they might be open to further amendment after the establishment of a new permanent Constitution. Such treaties, freely entered into from a sense of mutual advantage, would in no sense be an impairment of self-government.

As regards subsequent amendment of the interim Constitution, it might be provided, or understood, that minor amendments would be passed by Parliament if asked for by both the Government and the Legislature. But the Moslems would undoubtedly object to any serious changes which might in fact create a new permanent Constitution or irrevocably shut to [? the] door on Pakistan. The question is whether provision should not be made in the interim Constitution defining the kind of body to be set up for the purpose of considering the permanent Constitution and reaffirming the assurances, more particularly as regards non-adhesion, contained in the 1942 Declaration.

L. S. A.

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Sir J. Colville to Mr Amery

Telegram, L/P&J/8/521: f 11

IMPORTANT NEW DELHI, *27 March 1945, 5.10 pm*
SECRET *Received: 27 March, 11 pm*

588–S. Jinnah is believed to be annoyed with Liaquat for having discussions with Desai. As you know he issued denial immediately after discussions. Present tendency is indicated by the statement (? on) March 22nd[1] (? unfavourable to) change of N. West Frontier Province Ministry. He said "it is not possible to believe that any Mussulman——[2] can tolerate a Ministry in a Moslem majority province which takes orders from——Mr. Gandhi at Sevagram or Congress who are deadly opponents of (? all) Moslem aspirations and their national demands."

2. In the Assembly yesterday[3] Liaquat referred to story of agreement with Desai as cock and bull story and an absolute fabrication. He went on "if there is to be any agreement with regard to Hindu-Moslem (? settlement) or constitutional (? question), it can only be between Congress and the Moslem League."

3. This does not in my view necessarily mean that Jinnah would refuse to co-operate if approach was made to the Moslem League through him.

[1] L/P&J/8/659. [2] These omissions are in the telegram as transmitted.
[3] *The Legislative Assembly Debates*, Vol. III, 1945, p. 2043.

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Sir M. Hallett (United Provinces) to Sir J. Colville

L/P&J/7/7591: ff 3–5

SECRET *27 March 1945*

No. U.P. 250

My dear Colville,

It may be of interest to you to hear of a discussion which my Secretary[1] had with a leading Muslim League representative in this province, Chaudhri Khaliq-uz-zaman. My Secretary knows him quite well as he was Deputy Commissioner of Lucknow where the Chaudhri lives. Frank Mudie also knows him well. He is in my view one of the more able Muslim Leaguers. He is strongly in favour of Pakistan, and when he used to talk to me in the early days

[1] Mr I. W. Lewys-Lloyd.

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of Pakistan, he definitely regarded it as a bargaining point, designed partly to impress English and American opinion with the strength of the Muslim feeling; he still seems to adhere to that view. He impressed Coupland very favourably when he met him here and had discussions; Coupland thought he was far more able than Jinnah!

2. My Secretary's first paragraph of the discussion is as follows:—

"Chaudhri Khaliq-uz-zaman came to see me this afternoon and talked at length on developments in the political situation. He stated that the Hindu stock, which was very low in the last two years, is now rising and that, conversely, the Muslim League is losing ground. The latter fact is also due to personal jealousies and several disintegrating forces amongst the Muslim ranks. As far as his own position was concerned, personal jealousies worked against him in the U.P., while Jinnah and Nawabzada Liaquat Ali Khan seemed to distrust him in all-India Muslim League politics."

3. There is really nothing new in this; I have followed local Muslim politics in the press and the reports show a good deal of trouble in the camp. What one of my Muslim friends told me some time ago was that they were rather up against the professional politicians and self-seekers in their ranks and I think that was true.

4. My Secretary's second paragraph is as follows:—

"His summary of the Viceroy's attitude towards Muslim League was something as below: that he had no sympathy with the Pakistan idea, and in the interview which he gave to Jinnah,[2] he kept the discussion clear of this topic, confining himself for the most part to a discussion of what interim arrangement could be possible. Khaliq felt that the Pakistan issue had not as yet been clearly put before the Viceroy. Khaliq mentioned the Bhulabhai-Liaquat talks, and admitted that they were on the subject of interim arrangements at the Centre and were presumably in line with the Viceroy's ideas, that is, the Viceroy's Executive Council should be reorganised, 40 per cent to Hindus; 40 per cent to Muslims; 20 per cent to minorities. He informed me that already there is a considerable amount of canvassing going on in Delhi as to who should be the probable Muslim members of the Executive Council."

To say that the Pakistan issue had not been put clearly before Lord Wavell is absurd; to say he has little or no sympathy with it is correct. The more I think of the proposal, the more impracticable I consider it. As a working policy it does not concern us much in the U.P., nor did it presumably concern you much in Bombay, but when I went to Calcutta to meet other eastern Governors, I was impressed with the impossibility of its application to Bengal or Assam and you must know as well as I do Glancy's views about it. What is

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dangerous is that the Muslims should get the idea that because H.E. Lord Wavell does not sympathise with Pakistan, he is hostile to Muslim interests. You and I know Wavell's views and know what he had in view in confining himself to a discussion of interim arrangements.

[Paras. 5 and 6, on that portion of Mr. Lewys-Lloyd's note dealing with local politics, omitted.]

7. Paragraph 5[3] is interesting. I think myself that the U.P. is the last province in which any attempt will be made to form a Coalition Government, because of the strength of the Muslim opposition. Any information you can give me about the position in your province or in Madras would help me. I should have to be approached by a Congress leader of position and there is no Congress leader at present at liberty who really has any position. I contemplate releasing Pant, my late Prime Minister, on his return from Bombay but that is mainly in order that he should undergo an operation for hernia; you probably know more about his health than I do. He is obviously the person to approach me but I hope he will be out of action for some time, at least till Lord Wavell comes back. If anyone else approaches me and if, as appears probable, Pant is a free man at that time, I should ride him off by saying "consult Pant and the Muslim League leaders and also Depressed Class leaders." The latter are very hostile to Congress and have got to be considered at least in this province, even though from the administrative point of view they are uneducated and of no ability. We must I feel keep the position open until we know the result of Wavell's talks at home and I think if you agree generally with my ideas, I shall be able to do so.

8. My Secretary's final paragraph is as follows:—

> "He expressed himself very concerned that the British Government might come to some arrangement over the heads of the Mussalmans, or an arrangement to which they could not adequately reply at present on account of the dissensions in their ranks. He was reassured to some extent by the article in today's *Pioneer* in which it is stated that there will be no British-made constitution for India and that the Indian people must fashion their own. This he felt would give the Muhammadans some say in the matter."

This again goes to confirm the view that I have already expressed that because we are opposed to Pakistan, we are regarded as hostile to the Muslims. The article in the *Pioneer* to which a reference is made was a Reuter's message quoting the *Sunday Times*. I annex a copy of it.[4]

9. I have written at some length but I would be glad if you would send a copy to Lord Wavell as some bits of it at least may be interesting to him. I have

[2] See Nos. 138, 139, and 148, para. 3.
[3] On the possibility of forming a coalition ministry in the U.P. [4] Not printed.

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sent a copy to Mudie who knows all about the U.P. position, but I hope you will agree that I should play for time, if there are any further developments.

Yours sincerely,

M. G. HALLETT

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Mr Amery to Sir J. Grigg

L/Mil/7/19590: f 315

SECRET INDIA OFFICE, *27 March 1945*

My dear Secretary of State,

The Viceroy and the Commander-in-Chief India have been considering in the light of the post-war political situation the method of officering the armed forces of the future Government of India. I enclose a memorandum[1] on the subject by the Commander-in-Chief, with the contents of which I am in general agreement. You will see that in paragraph 11 of the memorandum he asks for the approval of His Majesty's Government to two principles, (*a*) that except in the case of the Royal Indian Navy no further permanent commissions should be given to European officers in the Indian Services, and that their needs, until they can be wholly manned by Indians, should be met by the secondment of officers from the corresponding British Services; (*b*) that a limited number of permanent commissions should be granted at the earliest possible date to Indian officers now holding temporary or emergency commissions in the three forces.

2. The Viceroy in forwarding the memorandum has asked that these proposals should be considered urgently. I am aware that before the first, at any rate, of them can be put into operation, careful departmental examination will be required of subsidiary questions set forth in outline in paragraph 9 of the memorandum; but I would strongly deprecate any attempt to delay a decision on the question of principle while this examination is being made. I hope therefore that so far as the question is one affecting the Indian Army on the one hand and the British Army on the other, the Army Council will find it possible to accept at a very early date the two principles stated above. I am writing similarly to the First Lord of the Admiralty and the Secretary of State for Air and on receipt of what I hope will be concurrence from all three Service Departments, I shall put the matter to the Cabinet, with a view to the official submission of recommendations by the Governor-General in Council on acceptable lines.

If, however, there should be any delay or difficulty in accepting the first of the two principles, I trust that, even though in strict theory the second may be

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held to be in some degree dependent on the first, the Army Council will see no objection to my authorising the Commander-in-Chief and the Viceroy to proceed with the grant of the limited number indicated of permanent commissions in the Indian Army forthwith to Indians.

I append, for your information, a copy of the corresponding letters that I have sent to the First Lord and the Secretary of State for Air.[2]

Yours sincerely,
L. S. AMERY

[1] Enclosure to No. 297. [2] Not printed.

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *27 March 1945*

I have inherited from Wavell your letter of 8th March[1] and since received another of 15th March.[2] Although you have Wavell to consult on all current matters I expect you would like me to keep up the series and to inform you of any developments that may be of interest.

2. I was sworn in at the beginning of a Council meeting last Wednesday evening. It was fairly warm, and the Chief Justice looked almost at melting point in his robes and wig. The Executive Council gave me a very friendly welcome.

3. I have talked to Khare about the South African case. A summary for Council has been pending for some time, in which the Department proposes that the required three months' notice should be given of abrogation of the trade agreement. Khare agrees that it would be wrong to make such a decision or at any rate to announce it just before Mudaliar goes home with a chance of discussions with Smuts. Khare has agreed that the case can be held up for yet another week, and I hope to persuade him to postpone it again. Probably when the Assembly session ends he will not feel such great urgency about it. Nevertheless he is clearly under a good deal of pressure and is anxious to do something to satisfy public opinion. He told me his feeling was that Mudaliar's hands would be strengthened if he could say that Council had discussed the matter recently and were on the point of abrogating the trade agreement which they would do unless Smuts made a gesture that induced them to change their

[1] No. 303. [2] No. 318.

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minds. I do not think such an approach to Smuts will be in the least effective, but it is apparent that Council Members are under extreme pressure to take this step, and I will do what I can with Khare.

4. There is no evidence that the change to a Congress Ministry in the North-West Frontier Province means a general change of Congress policy, and there is some evidence to the contrary as reported in Wavell's telegram No. 530-S[3] of 20th March. You know the situation in Assam, which is discussed further below. Congress there are prepared to give some assistance to the reconstituted Ministry, but this does not seem to presage the general willingness of Congress to accept office. I am sending by this bag a copy of a memorandum from Gandhi to the Sapru Committee which was intercepted in censorship. We have not got the questionnaire to which it replies, but the general sense is clear enough. Gandhi's chief interest is to explain why he could not come to terms with Jinnah and that he never envisaged any settlement which would involve the complete severance of Pakistan from the rest of India. However, his immediate preoccupation seems to be not with long-term constitutional solutions, but with the building up of the power of the Congress in the villages, and work on the so-called constructive programme goes on with a generous allotment of publicity from the nationalist press.

5. I am sending in this bag a cutting from the *Statesman* giving a statement by K. M. Munshi. You will see that he advocates reversion to the 1935 Act, and ignores the partition issue. I imagine this is kite-flying by the Congress. Their various moves, the North-West Frontier Province, Assam, Bengal and this hand-out by Munshi, are well worth watching.

6. On March 22nd[4] Jinnah put out a Pakistan Day message which suggests that for the present at any rate he is not interested in coming to terms with the Congress. He said, "It is not possible to believe that any Muslim can tolerate a ministry in a Muslim majority Province, which takes orders from, and is subject to the control of, Mr. Gandhi at Sevagram or the Congress, who are deadly opponents of Muslim aspirations". I do not think this need be taken too seriously as an indication of Jinnah's probable views about an interim government at the Centre, but I thought it as well to send you a telegram[5] telling you of the message, and also of Liaquat Ali Khan's statement in the Assembly to the effect that it is an "absolute fabrication" that he came to terms with Desai.

7. Clow has sworn in his new Ministry in Assam, and as I have informed you by telegram it will include 5 Muslims, 3 Hindus, 1 Tribal member, and 1 Scheduled Castes member. It is possible that there will be an eleventh Minister, probably Christian, to represent the hill tribes, but this will not be possible if Jinnah objects to the Muslims being put in a minority. The new "all-party"

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Ministry should, I suppose, be stronger for the time being than the last one, but the Sylhet Valley and Muslim immigration there is evidently a subject that can split any Assam Cabinet, and it seems to be impossible to avoid discussing it at fairly frequent intervals. I told Clow before he agreed to the new Cabinet that there should be no question of releasing dangerous detenus or of there being a general release of the rest immediately. All I could agree to was fairly rapid progressive release of detenus other than those who might be dangerous.

The terms announced in the press as having been signed by the party leaders were as follows:—

"1. *Restoration of civil liberties.*

(*a*) Two-thirds of security prisoners now detained in jail to be released before April 30th, 1945. All M.L.As. and prominent Congressmen shall be released forthwith. The remaining security prisoners shall be released as early as possible but not later than June 1945.

(*b*) Convicted political prisoners shall also be released forthwith, except those convicted for offences of grave and heinous nature, such as sabotage, but their cases shall be reviewed.

(*c*) There shall be no ban against meetings, assemblies and processions in connection with elections to local bodies and legislatures.

(*d*) The ban, if any, against Congress Ministers in the Province shall be withdrawn.

(*e*) All restriction orders on M.L.As. shall be forthwith withdrawn as also in cases of other political prisoners, save in a few cases requiring scrutiny.

2. As regards the terms of procurements and supply the policy of the Government can be reviewed and revised with a view to providing adequate supplies to the people, removing corruption and securing more popular support and co-operation."

Clow tells me that Sa'adullah has assured him these terms are not correct. So far Clow has only agreed to the release of six M.L.As.

8. I consulted you[6] about Casey's telegram[7] on the Bengal situation, and I am glad you agreed[8] with the line I proposed to take. Casey has since telegraphed,[9] and has repeated his telegram to you, that Nazimuddin will give Roy a discouraging reply. Gandhi will be told that the Government could not guarantee that, if he proposed to go to Midnapore, a ban would not be imposed.

9. I have sent you Dow's latest letter[10] about Sind. He has a hard time with his unreliable politicians, but he writes amusingly about their antics.

[3] No. 327. [4] L/P&J/8/659. [5] No. 341. [6] No. 333. [7] No. 332.
[8] See No. 333, note 3. [9] See No. 333, note 2. [10] L/P&J/5/261.

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[Para. 10, on the food position in the United Provinces, the Punjab and Sind, omitted.]

11. Casey asked for the earmarking of 100,000 tons of rice against possible needs of Bengal, but Wavell had to write and tell him there was no chance whatever of the Central Government agreeing. Bengal have very satisfactory stocks of rice, and the Central Government, on the other hand, have considerable demands against such supplies as they hold or can expect to obtain.

12. The shortage of cloth in Bengal has been causing a good deal of criticism in the press and in the Assembly. Azizul Haque thinks that there is a genuine shortage of cloth but admits that part of the trouble is the disappearance of stocks into the black market. Mudie represented very strongly in Council that the root of the trouble in Bengal is that they have 33 I.C.S. Officers sitting in their Supply organisation in Calcutta, with the result that their district administration is too weak to enforce the controls. Benthall, who was asked to arrange for two special trains of cloth from Bombay to Bengal, put the pertinent question to Azizul Haque whether he could say where the cloth would go on arrival in Calcutta. The general feeling in Council when the matter was discussed was that the symptoms were very similar to those of the food crisis, and that rationing was undoubtedly indicated. Bengal are trying to make arrangements for rationing, but they will of course need some extra supplies at the start to prime the pump.

13. A telegram[11] has been sent to you on the important subject of the filling of the war reserved vacancies in the I.C.S. and the I.P. Most of the points were dealt with by Wavell in Council, but it was necessary to hold a subsidiary meeting under Raisman between the time when Wavell left Delhi and the time when I was sworn in. There were two points of special interest in the discussion. One was the strength of the feeling of Council that there should be no payment of compensation to officers, who, on the Secretary of State ceasing to be responsible for the administration of India, elected to stay on and accepted the terms offered by the new Government. Your scheme of lump sum grants was intended to apply to all those in the Services including those who agreed to stay on. Council felt strongly that a proportionate pension *plus* a comparatively small compensation grant for those who elected to go was all that was required. The other point was the strong and unanimous feeling in favour of the probationary period for Indian recruits for the I.C.S. in the United Kingdom. I understand that all Indian Members of Council agreed on this point, and emphasised the great advantage for an Indian recruit in spending a year or two in a British residential university. The recommendation that British candidates should be treated in the same manner was really only incidental to the decision about the Indian candidates. The feeling of the Indian Members of

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Council on this point is interesting: there were no suggestions that the probationary period should be spent in America!

[Para. 14, on the Insurance Bill, omitted.]

15. You have probably discussed, or will discuss, with Wavell your suggestion[12] that the Legislature should be summoned in Section 93 Provinces. I take it that this suggestion would apply only to Provinces where it is possible to have a complete team of non-official advisers. A scheme like that approved for Madras but not yet brought into force, whereby there will be a mixed team of officials and non-officials, could not be combined with the summoning of the Legislature because the officials could not be given seats in the Legislature. Also the non-officials chosen would, I suppose, all have to be members of the Legislature. Personally I do not think that the summoning of the Legislature would give any useful results. It is legally permissible according to advice tendered to Wavell when he examined the point, but there are considerable practical objections. The Legislature would be purely advisory, and therefore irresponsible. In this respect one would expect it to be worse than the present Central Assembly which is embarrassing enough and makes life very hard for the members of the Executive Council. I think it is a certainty that if the Legislature were summoned in Section 93 Provinces it would be used as a propaganda agency against Government, and would do far more harm than good. I certainly would not welcome such an experiment in Bombay, and I think the Congress themselves would pour scorn on it.

[Para. 16, on the suggestion that Sir Zafrullah Khan should serve on the War Crimes Commission, omitted.]

17. Wavell, in his letter of 13th March,[13] commented on the memorandum by Professor Ryle and Dr. Janet Vaughan. Since then I have received the comments of Jogendra Singh, Member for Education, Health and Lands. He agrees generally with the appreciation given in Part I of the memorandum. He also agrees that the widest publicity should be given to the Report and that special arrangements for this purpose should be made. Jogendra Singh I think is genuinely keen and will do what he can to get effective action taken on the Bhore Committee's Report, which, incidentally, is not expected till July. I have asked the Department to press Sir Joseph Bhore to produce in advance a list of urgent recommendations so that these can be examined without waiting for the Report. Wavell asked Bhore to do this, but he has not complied yet. Jogendra Singh asked me to say that he was most grateful to the experts for the interest they have taken in the Indian problem and hopes you will convey his thanks to them.

[11] 2880 of 25 March. L/S&G/7/262: ff 175–6.
[12] See No. 318, para. 3.
[13] No. 310, para. 17.

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[Para. 18, on scholarships for Indian students in the U.K.; and para. 19, acknowledging a letter from Mr Amery to Mr Mehta of Bombay, omitted.]

28 March 1945

20. This is a postscript written a day after the rest of the letter. The Finance Bill was thrown out, as we all knew it would be, and my first important acts were to recommend it for reconsideration and then to certify it. The only redeeming features of the debate were an excellent speech in reply by Raisman, and the tributes that were paid to him by the opposition. There is, I think, a grudging recognition of the fact that he has been a very valuable public servant with the interests of India at heart. The Executive Council are showing signs of exhaustion at the end of the session. They have had a very wearing and exasperating time, and are sensitive to the abuse which is continually hurled at them. Mudaliar said in Council that he had not known such a bitter feeling in the House in the whole of his fifteen years' experience.

Annex to No. 344

L/P&J/8/519: ff 3–4

GANDHI'S REPLY TO SAPRU'S (ABRIDGED) QUESTIONNAIRE

26 February 1945

1. What I told Qaid-i-Azam was the exact truth. I had no idea of what he meant, for he never told me what he had in mind. Therefore I can answer your question by saying we never discussed the outlines of any scheme of interim Government except what I have said.

2. The foregoing answer deals with your second question.

3. No. Qaid-i-Azam's position unfortunately was that while he could come as far as seeing me and trying to convince me of his position, he, the President of the League, could not discuss details with me, a mere individual. But so far as I could gather from our conversations, he had no prepared scheme. As the correspondence shows, he had referred me to two books both of which I read, but neither of which could help me to understand Qaid-i-Azam's exact position. One thing he insisted upon was that if I first accepted the Pakistan of his conception, he could then discuss other things with me even though I was but an individual.

4. It can be said that the break-down took place because we could not come to agreement on the two nations theory of Qaid-i-Azam's. As the correspondence will show I wanted to avoid a Central Government. I suggested an authority acceptable to both the parties, but he would insist first on complete

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partition as between two nations and then an agreement between them as on foreign affairs etc. He would not agree to anything simultaneous.

5. Of course he wanted two independent sovereign (states) with no connection between them except by treaty. If any party broke the treaty, the consequence would be what has happened throughout the world up till now, i.e. war. Therefore I did not ask and he did not tell me as to what would happen if either party broke the treaty.

6. Qaid-i-Azam would not have the plebiscite of the Muslims because he thought the League represented the Muslims of India and that the other communities should have no voice as to Pakistan which was Muslims' exclusive right wherever they were in a majority.

7. I suggested a board composed of representatives of both the states. It was to be an arbitration board with administrative powers. For the due carrying out of its decisions, it would largely or solely depend upon the goodwill of the parties or states. But I should not object to a machinery jointly devised by the two states.

8. None whatsoever.

9. I depended first upon the decisive interpretation given by the President, Maulana Abul Kalam Azad, and secondly my own, meaning that the Jagat Narain Lal Resolution should be read together with the others bearing on the question. For these latter were not cancelled by the Jagat Narain Lal Resolution.

10. "War to the Knife" is a simple English idiom. I have never known it used in the literal sense. It simply means a determined quarrel between parties. I hold that if there is nothing in common between the two or nothing which does not come in conflict with each other's culture there can be no friendly mutual agreement.

11. I think I am explicit enough. I meant that apart from conceding the two nations theory, I accepted the concrete suggestion of division of India as between members of the same family and therefore reserving for partnership things of common interest. But Qaid-i-Azam would have nothing short of the two nations theory and therefore complete dissolution amounting to full sovereignty in the first instance. It was just here that we split as I have said herein before.

12. Although I could not agree to the two nations theory, I agreed on the basis of members of a family desiring severance of the family tie in matters of conflict but not in all matters so as to become enemies one of the other as if there was nothing common between the two except enmity.

M. K. GANDHI

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War Cabinet

India Committee. I (45) 14th Meeting

L/PO/6/108c: ff 268–75

Those present at this Meeting held at 11 Downing Street, S.W.1, on 27 March 1945 at 10.30 pm were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel, Field Marshal Viscount Wavell; Sir Gilbert Laithwaite (Secretary)

On the resumption of the discussion of the Viceroy's proposals, LORD SIMON said that he would like to see in the simplest and most objective form, a statement of what the Viceroy would now wish to do, and of the request which he wished to make to the War Cabinet. What authority did he want from the War Cabinet, and within what limits did he want free authority to go ahead?

MR. ATTLEE said the War Cabinet would wish to know whether the Viceroy's proposals were only a change designed to get more authoritative personnel for his Council, or whether he envisaged, although carried on within the terms of the existing Constitution, any movement of Constitutional change. Was it proposed to give any particular assurances which would mean a change in practice, though not in the letter of the present Constitution?

LORD WAVELL said that in the first place he would like a general authority from the War Cabinet to attempt to form a Government of the type that he had envisaged. As regards the actual detail of the procedure he would ask that he should be given a certain liberty of action. He did not wish to be tied too tightly to an exact form of procedure or an exact form of words.

As regards the Lord President's point, he envisaged no Constitutional change for the present, and possibly not for quite a long time. His object in the Centre was to secure a Government that would be more representative than his present Council, and to get it to carry on with the war and the other economic problems that faced India. In the Section 93 Provinces he was anxious to see normal Constitutional Government restored. He would like to see his new Government get down to the practical problems of India and leave Constitutional and communal problems aside for some time, say a year, and thereafter form a body to investigate the Constitutional problem. They might suggest for this purpose either the sort of body envisaged in the Cripps proposal or some other. He would not wish to hurry this process, since he feared that anything that was formed in the near future would run up against the same blank

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wall of Hindu-Muslim jealousy with which we were familiar. It might, of course, well be that he was optimistic and that the new Government might want to raise the issue at once. If they did, he would do his best to ride them off.

As regards conventions, or to changes in the Constitution, his object and policy was to avoid any such change. There would have to be a procedural change to the extent that the Viceroy in filling vacancies in his Council would in future consult the political leaders (though he would not necessarily accept any names put forward) instead of deciding for himself. But if any suggestion was made to him of a gentleman's agreement as regards the exercise of his veto, or the acceptance of the opinion of his new Council, or the like, he would reply that he was not prepared to abrogate his powers. He would add, however, that in practice the power of veto had not been exercised for some time, and that so long as the decisions of his Council were consonant with the safety and prosperity of India, he was unlikely to have to exercise it, but he would make it clear that he could give no undertaking in that regard. A great safeguard would be that the last thing the Muslims wanted was the removal of the Viceroy's power of veto and his control, since this would mean the ultimate control of the Hindu majority.

He contemplated no change or relaxation in control by Parliament or the Secretary of State. That would remain exactly as at present.

To whom should the Viceroy's offer be made?

SIR JAMES GRIGG said that the principals with whom the Viceroy would be dealing were Jinnah and Desai. They were both in the Assembly, and leaders of political parties. Gandhi was not a principal for the present purpose and Desai was no longer a member of the Working Committee. The result would be that the Quit India resolution would not be obtruded on us quickly, and it might well be that an understanding that the new Government would support the war effect would (as had happened in the North-West Frontier Province) be secured from the Congress representatives. If, however, Desai were at a later stage to divert the Viceroy on to Gandhi, what then? The question of Quit India would surely arise?

LORD WAVELL said that the Quit India resolution was impracticable and dead. In his view it could be discounted, and the less we tried to revive it by mentioning it or asking for its withdrawal, the better. He did not think himself that it would emerge again. If we tried, on the other hand, formally to get it withdrawn, we should find ourselves up against a difficult obstacle. He would like to consider further whether his dealings should be with Gandhi or with Desai on behalf of Congress. The question was a very vital one on which he might have to make up his mind before his return to India. Last September he had envisaged Gandhi as a principal and did not see how he could by-pass him.

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Thereafter, however, Desai had claimed that his proposal had the authority of Gandhi. He had then considered dealing with Desai and Jinnah as principals. There was much to be said on both sides. On the whole he was rather inclined, balancing the arguments, to think that it would be better to address Gandhi. He could not be certain that Gandhi would come himself for physical reasons. If Gandhi said he would prefer Nehru to attend, we should he felt have to accept this.

In reply to Mr. Butler, who suggested that an invitation to Gandhi would not only prejudice many who would be ready to co-operate in Constitution building, but would have a very bad effect on our best friends, as well as here, where Gandhi was completely discredited, as he largely was in India, LORD WAVELL said that it was impossible to by-pass Gandhi in India. He still retained the power to break down any arrangement. He accepted that that involved the risk that even if Gandhi allowed his Congress to take office in the new Government, it might follow that he would be able to call them out. His own hope would be that once they had in fact got in and tasted responsibility, they might defy Gandhi, or at any rate go a long way to persuade him that he should not call them out. It was very relevant that Gandhi's physical condition was such that he was unlikely to be able to exercise as effective a control as in the past, and that might make him more accommodating.

Conditions of Offer to Political Leaders

In reply to an enquiry whether it would be a condition of his offer to the political leaders that co-operation in the Provincial Governments should be resumed, LORD WAVELL said that he would not himself propose to make that a condition, but he thought that the Congress might, and that indeed they might be reluctant to come in at the centre unless on condition that normal Governments were re-established in the provinces. If the point was raised, he would suggest that as part of the move, Governments should be formed in the Section 93 Provinces and he would stipulate that such Governments should, if possible, be coalition Governments.

In reply to the Lord Chancellor who suggested that Constitutional changes did not depend on documents and touched on the risks involved in any understanding with the party leaders before they took office, and that these [? there] would in practice with the change of personnel be a change in the relations between the Viceroy and his Council, LORD WAVELL said that he had it in mind merely to say if pressed that the right of veto stood. If they were persistent he would add that it would not be exercised unreasonably. As regards the relation between the Viceroy and the new Council, he agreed that while in Constitutional form it would be the same, the new body would in practice be much more difficult to handle since, among other reasons, it would contain no European element other than the Commander-in-Chief. He in no way

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under-rated the difficulty. He would, however, rely a good deal on Hindus and Muslims balancing each other.

If there was a material resignation of Ministers either belonging to one party or to all parties, he was reasonably confident that this would not, in the near future, involve a collapse of the whole structure, and that he would be able to replace them. The fact that the parties knew that this could be done would, he thought, make them hesitate to resign. As regards the actual selection, Desai had said that he would propose that the selection need not necessarily be made from the present Legislature but might be from outside. He had of course kept off any detailed discussion with him on that point. As regards the effect of the proposal on the Princes, it might well be that they would not greatly welcome the introduction of Gandhi, but his Political Adviser, in whom he had much confidence, was not greatly perturbed at the effect on them.

Attitude of Parliament to surrendering its control

THE CHANCELLOR OF THE EXCHEQUER said that there were two things that very much troubled him at the moment.

The first was the implication of the Viceroy's proposals as affecting the position at home of the Secretary of State and of Parliament. The Viceroy at present was subject to the Secretary of State and through him to Parliament. It seemed implicit, however, in the Viceroy's proposals that under the new arrangements the Viceroy would be free to form his judgment without control as to whether he should acquiesce in the views of his Government. At any time an issue might arise or be debated here with the Secretary of State as the responsible minister. Could that be reconciled with the Viceroy's proposals? He had been greatly struck by the manner in which this issue had arisen over the Indian famine. The House of Commons had taken the attitude that they were responsible for these grave matters and that their responsibility must be made effective. They were ready, with that in view to disregard even the legal delegation of authority that had been made with their approval by the Centre to the provinces. It was significant that that had been an issue on which there was no conflict between the U.K. and India and in which there was a background of the war as a steadying influence. But the whole attitude of the House of Commons had been that this was a matter in which their responsibility was clear and must be made effective. If we wished to lead the House of Commons to a different attitude of mind were we likely to do so if we began by saying that no change was involved by the proposals now put forward, and that the Viceroy's powers would remain as before?

MR. AMERY said that he trusted that the House would assume that a more representative government had been created and that the case for interference would be correspondingly less. Though the new Government might not be

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representative of the people of India it would represent the opinion of a very large section of Indian public life. The present position was entirely unreal. The Viceroy's executive was not, in practice, over-ridden and it was absurd for Parliament to look to the Secretary of State to exercise a detailed responsibility which he could not in fact exercise save on a very big issue in which there was a major clash between the U.K. and India. SIR STAFFORD CRIPPS suggested that while there was no alteration in the substance of the constitution a change of personnel was involved which would make it less necessary for the Viceroy and the Secretary of State to intervene than in the past.

LORD WAVELL said as to the responsibility of the House of Commons the difficulty was that they had not the power to exercise it because the Indian administrative machine was no longer sufficiently strong, and because the Viceroy's view could be out-voted in his Council. It was relevant that there would be a difference in the position under this scheme to the extent that some of the principal critics of Government would be absorbed in the new Council.

The Administrative machine

SIR JOHN ANDERSON said that he now passed to his second point.

The Viceroy had said that the present Executive Council was not a very good body to run large departments, and that he was quite ready to see them replaced by new men who might admittedly be even less efficient to start with. The Viceroy had gone on to say that he regarded the present I.C.S. as almost moribund, and that their grip, power and influence had been lost. If we were going to tell the House of Commons that they must take a realist view, and that, under the new set-up, there would be representative people as Members of Council who must be left to take responsibility, should we not, at the same time, have to confess that the machine was breaking down? Would the changes now proposed help the machine? There would be persons introduced into the Executive Council who would clearly see that their influence on policy was also dependent on maintaining the process of breaking down the professional competence and efficiency of the Service, and who would use their new position not to run departments better but to create a situation in which His Majesty's Government had no alternative but to accept whatever decisions we might be confronted with, because we had no substitute machinery. Experience in the time of the Congress Governments did not, he thought, suggest that those governments recognised how much to their interest it was to keep the administrative machine going. And while estimates of their attitude varied there had been damaging reports, and he thought a tendency on their part to try to make Indian officers in the Service subservient. He had himself in Bengal experience of a machine that had been almost destroyed as the result of our having let things go their own way for a few years with the consequent

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demoralisation of the Services. The Committee would remember that Nehru's declared objective had been to destroy the administrative machine and create universal chaos, in the hope that he might be able, on its ruin, to build up an administration closer to the ideas of Congress. Believing as he did that Nehru was fundamentally honest, he was more uneasy at the prospect since Nehru, he thought, did believe that the present regime was a bad one for which His Majesty's Government were responsible and which had to be destroyed in the interests of India. It was no use saying that we would still have the power to resume control if the new experiment went badly, if by the time that we were satisfied that it had gone sufficiently badly, there was no machine left for us to work through.

LORD WAVELL said that neither here nor in any other part of his scheme did he wish to underrate the risks, or to take too optimistic a view. Risks were involved but, in his judgment, they were less than the risks of carrying on as at present. The new government would take time to settle down. The Secretaries to the Government were the linchpin. There would be no change in their personnel, though they might be hampered by the more political outlook of the new Executive Councillors. The position would be eased a little by the diminution of criticism from the Assembly and the generally more co-operative attitude which he would expect to follow on acceptance of his scheme. In any event he saw no alternative but to carry on until we ran into disaster as the result of the running down of the clock.

SIR STAFFORD CRIPPS said that in 1940 Governors had taken the line with him that on the whole the Congress regime had been very successful. As regards Nehru he had had the impression in 1942 that he had wanted to play. He was then very keen on defeating the Japanese and on using the country intensively for the war. At an earlier stage he had been very opposed to Congress coming into office at all, since he feared that if they took office they would be so hampered as to be unable to do anything, forced to admit failure and be discredited. Though after consultation with Gandhi, Nehru had agreed that Congress should take office, he was, he thought, still convinced in his heart that they ought to have remained out.

Difficulties in the Viceroy's proposals

MR. ATTLEE referred to the difficulties which he saw in the Viceroy's proposals as they stood:—

(*a*) He was frankly horrified at the thought of the substitution for the present government of a brown oligarchy subject to no control either from Parliament or electorate. He could not agree with the Viceroy that Parliament's control would not be impaired by these proposals. A government in India responsible neither to Parliament nor to a legislature

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would leave His Majesty's Government powerless to protect the Indian masses which would be defenceless. This would be aggravated by the weakening of the administrative machine.

(*b*) While in terms the proposals involved merely a change of personnel, once selection was based not on merits but on the fact that the individuals concerned represented organised political opinion, a constitutional change was surely involved. The new members would owe allegiance to an outside body and not to the Viceroy, who would be forced more and more into the position of a Dominion Governor-General. Effective control would pass to an Executive Council responsible only to party caucuses.

If no more was involved than a change of persons without a change of constitutional power, he did not see how it would satisfy nationalist feeling. If, on the other hand, the proposals involved more than that they would need a very careful scrutiny so that His Majesty's Government should see where they were carrying us.

LORD WAVELL said that while the new Council might not be responsible to the Legislature, or an elected body, it could claim to have behind it a far wider elected backing than his present council. That did not necessarily mean that they would be more representative of public opinion. So-called "public opinion" in India was simply the influence of a very small educated section who alone had the electoral power and means of influencing the masses and their vote. In his judgment, the people of India were incapable of exercising the power of election and to suggest that there was any real power in India of choosing or electing was a fiction. Nothing short of a complete transfer of power, which he did not propose, would satisfy everyone. But His Majesty's Government had after all been ready to take a chance in 1942, and he thought that the changes now proposed would help to make public opinion in India think that progress was being made.

SIR JOHN ANDERSON said that the essence of the 1942 offer was that it was as clear and binding an assurance as possible that action would be taken as soon as possible to form an entirely new democratic constitution, and on that assumption, and that assumption alone, we had been willing that representative Indians should be more directly concerned in the conduct of a government under the present constitution. The present proposals involved trying the second step in the Cripps offer viz. our hope that in a substantial space of time a new constitution could be devised with general agreement under which we could part with the rest of our responsibility.

MR. AMERY said that in 1940 the emphasis had been on getting Indians into the executive, in the hope of an alternative solution. In 1942, at the time of the

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Cripps offer, the Chancellor of the Exchequer's view had not been shared by all his colleagues and the Cripps declaration had not linked the two.

SIR STAFFORD CRIPPS said that it was not the case that he had gone on working for an interim government once the basis which he had been authorised to put forward had been rejected. His negotiations had been strictly on the basis of the acceptance by Indians of his proposals as a whole.

Attitude of U.S. personnel in India

In reply to SIR JAMES GRIGG, who enquired whether there were signs of U.S. personnel in India playing up to Indian nationalist feeling, LORD WAVELL said that generally speaking the answer was in the negative. Americans who had been in the country for any time were he thought learning the complex and difficult nature of the problem, and were inclined to recognise the intractability of the problem with which this country was faced.

At this point, the Committee adjourned until 9.30 a.m. on Thursday, 29th March.

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DEFENCE AND CONSTITUTIONAL DEVELOPMENT

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *27 March 1945*

At an earlier meeting of the Committee (W.M. (45) 9th Meeting),[1] there was some discussion on the relation of defence questions to the constitutional problem. I think it would be of value to the Committee to have an expert appreciation of these issues and I now circulate a note by my Principal Staff Officer, General Sir M. Mayne. I should, however, explain that as regards the future organisation of the defence services in India, there has not been time to obtain the agreement of the General Staff in India or the Chiefs of Staff here to the views expressed in the note. Their entire agreement cannot therefore be guaranteed.

L. S. A.

[1] No. 298.

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NOTE BY THE PRINCIPAL STAFF OFFICER TO THE SECRETARY OF STATE FOR INDIA ON CERTAIN MILITARY IMPLICATIONS OF INDIAN CONSTITUTIONAL REFORM

1. SCOPE OF MEMORANDUM

This memorandum deals, in general terms but no detail, with:

(*a*) the present degree of Indianization of the officer cadre of the Indian Army, and the time required to convert it into a fully Indianized army fitted to undertake all its probable commitments;

(*b*) in the light of the answer to (*a*), the position in relation to problems of Internal Security;

(*c*) the form of military organisation required in India to control the training, administration and employment of British and Indian forces in the roles of Internal Security and External Defence—it being assumed that an independent Indian Dominion Government has been established, which has accepted military commitments on behalf of the British Commonwealth of Nations or those of the United Nations.

2. INDIANIZATION

Details of the progress of Indianization from 1939 to 1944 are set out in Annexure "A" attached hereto.

3. As regards actual numbers, there are now sufficient Indian officers (K.C.I.Os, I.C.Os and E.C.Os) to fill the officer cadre of an Indian Army of the 1939 model. Of the available number, however, only some 500 hold permanent commissions, leaving a balance of some 1,500 vacancies to be filled by the grant of additional permanent commissions. On the assumption that the conditions of service were attractive there is little doubt that volunteers in sufficient numbers would be forthcoming.

4. As regards seniority, practical experience, education and military qualifications, the position is, however, very different. There are at present only about 40 Indian officers holding Lieut.-Colonel's Commands and 20 Indian officers holding other Lieutenant-Colonel's appointments. Even if this figure were doubled within the next few years, it would still not suffice to fill even the probable number of post-war unit commands and first grade staff appointments, while the number qualified to hold more senior commands and staff appointments would be quite insufficient to meet the requirements of a post-war Army of reasonable strength.

5. The same consideration applies, though with less force, to the lower ranks. Within the next four or five years, all the Indian officers in the Army, save the few hundred K.C.I.Os and I.C.Os who hold permanent commissions will have less than 10 years' commissioned service, and only a small proportion of

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that number will have had staff experience and training. Within that period there will thus be an insufficient quantity of Indian officers fully qualified to fill all the junior staff appointments, or even all the appointments of squadron and company command, in a well balanced Indianized Army.

6. A further important aspect of the problem is that although there are sufficient Indianized or rapidly Indianizing units of the Armoured Corps and Infantry to provide the necessary quota of those arms in a post-war Indian Army of reasonable size, there are in being, and in immediate prospect, insufficient Indianized or Indianizing units of the technical arms and services to meet the needs of a modernized, well balanced Indian Army—e.g. Artillery, Signals, I.E.M.E. There is still the need, therefore, for British units in an Indian Army and for British personnel in certain Indian units.

7. India is thus unable at present, nor will she be able in the very near future, to produce sufficient Indian officers of adequate standard to fill the senior or even all the junior appointments, on the staff or in command, of a completely Indianized Army. Nor will that Army be able, in the near future, to dispense altogether with certain British units or a stiffening of British personnel in certain Indian units.

If progress in the Indianization of the officer cadre and of units continues, after the war, at the present rate it should be possible to fill the majority of the appointments in the Army—but by no means all of them—with Indian officers within a period of ten years. Within that period of time it should be possible also to dispense with British units and British regimental personnel in Indian units.

As an estimate of the date when it should be possible to fill all the key appointments in a well balanced and fully modernized Indian Army with Indian officers of proven ability, it would seem unwise to aim at a target date within a period of twenty, or even twenty-five, years. In order to achieve that end it would be essential to ensure a very much higher standard of pre-cadet education in approved schools; to expand very considerably the Indian Military Academy; and similarly to increase the intake into the Staff College.

8. Finally, in the light of the fighting qualities displayed by Indian units in this war against a first class enemy, and of the general efficiency of those Indian officers who have qualified for command, there need be no doubt that, in course of time and if there is no lowering of the present standard of qualification for appointments, a fully Indianized Army should be fit to undertake all its probable commitments, external and internal. The time, as already suggested, is 20 to 25 years.

9. INTERNAL SECURITY

The employment of regular troops in immediate support of the civil police in the maintenance of Internal Security is wasteful, in modern conditions, of

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highly-trained manpower and basically unsound. Such close support (Stage 2 of suppressive measures) should be the role of armed constabulary, which should be organized and equipped to deal with disturbances which fall short of the classification of revolt or insurrection. At that stage (Stage 3) the intervention of regular troops is necessary.

10. In the past, it has been the practice in India, in the absence of adequate forces of armed constabulary, to employ regular troops at Stage 2, and, for racial and communal reasons, British troops have been employed whenever and wherever possible.

Speaking very broadly, it is probably true to say that, in the suppression of civil unrest in an Indian city, one individual British solder has psychologically, in the past, been worth six Indian soldiers. It is probably equally true to-day. But even if so, it constitutes no argument for the employment of British regular troops in Stage 2 of the suppression of civil disorder (but it might be claimed as an argument for the inclusion of a considerable British element in an armed constabulary).

11. Assuming acceptance of the principle that regular troops should be used only in the case of revolt or insurrection which it is beyond the powers of the civil police or constabulary to suppress, the question arises whether, having regard to the communal factor, Indian troops can confidently be employed in that rôle without a stiffening of British troops in co-operation or support. In other words, if the individual Indian soldier is less effective than the individual British soldier in the suppression of civil revolt, can it also be said that the Indian battalion is less effective in that rôle than the British battalion?

If military forces have to be used for the suppression of civil revolt their use should take the form of an organised operation, though of guerrilla type. Regular troops should be used as brigade formations and seldom dispersed in less strength than battalions, or their equivalent. Employed thus—in a military and not a police rôle—there seems to be no valid reason to doubt the reliability and the readiness to set aside communal prejudice, of the Indian soldier in a well disciplined Indian unit, commanded and led by Indian officers.

12. The process of eliminating the quota of British battalions available for Internal Security duties would, however, have to be gradual, the rate depending on the progress made in the organisation of the armed constabulary destined to relieve regular troops of their present police duties in Stage 2 of suppressive measures. Moreover, the establishment of the machinery of a newly constituted self-governing Indian Dominion might herald a period of widespread internal unrest; and, during that period, the presence of British battalions which could be made available for Internal Security duties would, it is felt, be essential. At a venture, a period of five years is suggested.

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13. To summarise:

(*a*) The organisation of an adequate armed constabulary, whether under central or provincial control, is an essential preliminary to the assumption by Indian units of ultimate responsibility for the suppression of civil disturbances.

(*b*) British units must remain available for employment on Internal Security duties during the uncertain period which will immediately follow the establishment of a self-governing Indian Dominion—at a hazard a period of five years is suggested.

14. *Gurkhas.* In discussing the above questions, no special consideration has been given to the particular problem of the employment of Gurkhas in the Indian or British Army of the future. Authoritative opinion in the matter differs widely. All are agreed that Gurkhas should be employed in considerable numbers; but opinions differ as to the scope of their possible employment under conditions of Indian self-government. It would be unwise, at this stage, to prejudge the considered opinion, which is not yet available, of the Commander-in-Chief and the Viceroy.

15. MILITARY ORGANISATION

The deduction has already been drawn that complete Indianization of a well-balanced, modernised Indian Army, fit to implement its probable military commitments, cannot be effected within a period of approximately twenty years. Insufficient is yet known to justify a similar forecast as regards the development of India's Navy and Air Force, but it is presumed that those Services, largely Indianized already, will be progressively expanded and modernised.

During the period, which may be termed the Interim Period, between the date of the establishment of an Indian self-governing Dominion, which, it is assumed, will have accepted military commitments on behalf of the British Commonwealth or the United Nations, and the date of the complete Indianization of the Services, the defence forces in India will be comprised of the following categories:

(*a*) An Indianizing Field Army, with a steadily diminishing quota of British units and British personnel.

(*b*) Indian formations and units, with a decreasing quota of British personnel, available for the ultimate support of police and constabulary in the suppression of civil disturbance (and in the Indian States which maintain States Forces similar means of fulfilling a similar rôle).

(*c*) An expanding Royal Indian Navy, still with a quota of British officers.

(*d*) An expanding Royal Indian Air Force, containing a diminishing quota of R.A.F. officers and personnel; but, for many years to come, the higher posts in the Air Force chain of command, both as regards commanders

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and staffs, will have to be filled by R.A.F. officers. There may be R.A.F. squadrons, too, "on loan" to the Indian Dominion Government for immediate and local defence.

(*e*) A British Commonwealth or United Nations strategic Reserve under control either:—

(i) of His Majesty's Government; or

(ii) of the Indian Dominion Government.

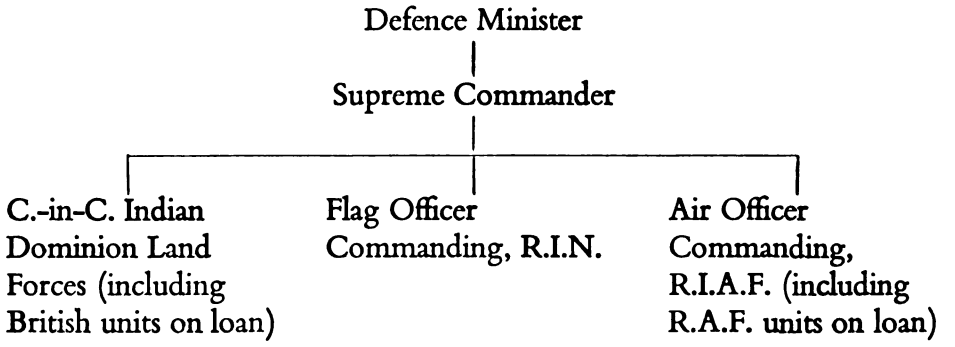
It seems more than probable, certainly during the interim period, that this strategic Reserve will be under British, NOT under Indian Dominion, control, although Indian troops will surely form part of it.

16. The military organisation which is to be set up to command and control the forces located in India, and based thereon, must be so constituted as to be compatible with the status of a self-governing Indian Dominion while enabling His Majesty's Government both to control the strategic Reserve and also to safeguard the conditions of service of British forces and personnel lent to the Service of the Indian Dominion Government.

17. Setting aside, for the moment, the question of the command and control of the Strategic Reserve, it seems probable that, under the new Indian Constitution, responsibility for the Dominion Defence Services (including British units and personnel "on loan") will rest in the hands of an Indian Defence Minister, who would be responsible to the Indian Dominion Government for the administration of all three Services.

Under such a constitution, a suitable military organisation might take the form of the appointment of a Commander-in-Chief—or better, perhaps, a Supreme Commander—who would be served on the highest level by an integrated staff and have under him a separate head for each of the three Services. He should not, as at present, be directly responsible in every detail for one Service—the Army—while being, at the same time, in control of the Navy and Air Force. The Supreme Commander could, in fact, be a member of any of the three Services.

18. The set-up would be:—



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During certainly the first decade of the Interim Period, the three Service heads and the incumbents of senior appointments would be British, if only for the reason that Indian officers qualified for those appointments would not yet be forthcoming. The Supreme Commander would have to be British during a still longer period. Having regard to the position in other Dominions, the position would be anomalous, but if governed by treaty or other agreement legitimate Indian rights and aspirations would be satisfied, while senior British officers would be in positions of authority to safeguard, in accordance with the policy of His Majesty's Government, the conditions of service of British forces and personnel lent to the Indian Dominion Government.

19. As regards the strategic Reserve, it has been assumed already in this memorandum that, certainly during the Interim Period, its command and control will be the responsibility of His Majesty's Government. The onus, including the financial liability, of providing and maintaining that Reserve would be a matter for negotiation between His Majesty's Government, the Indian Dominion Government and perhaps other interested Dominion Governments too.

The consideration of that question is outside the scope of this paper, as are also the implications of special military agreements with certain Indian States. It is assumed, therefore, that an agreement has been reached whereby a strategic Reserve, probably comprising a considerable quota of the Indian Services, is to be maintained in India, whether in the Provinces or in the States.

20. The strategic Reserve would require a Commander or Commanders of its own, distinct from the Supreme Commander and the Commanders of the three Services of the Indian Dominion Forces. It would be unwise, at this stage, to prejudge the decision of the Chiefs of Staff and His Majesty's Government in this matter, but, nevertheless, opportune to call attention to an important factor. The Units—Naval, Army and Air—of the strategic Reserve would be administratively maintained by the Government of India and should, in the interests of economy, use to a very large extent the same maintenance and repair organisations. In the case of the Army and Air Force, units would be interchangeable as between the Indian Dominion forces and the strategic Reserve. Hence the co-ordination of service matters between the two forces will be a very important feature of the organisation which is to be set up for command and control. The solution would appear to lie in vesting in the Supreme Commander of the Indian Dominion Services the responsibility for the administration and discipline under their own respective Commanders of the forces in the strategic Reserve. The strategic Reserve would be operationally under the control of the Chiefs of Staff but responsibility would lie with the Government of India, under treaty arrangements with His Majesty's Government, for the provision of the administrative requirements of the Supreme

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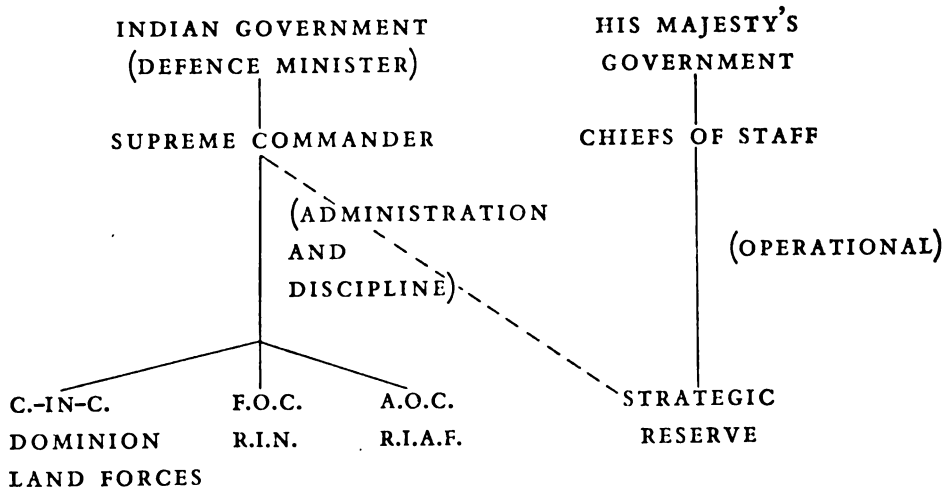
Commander. The latter would thus owe a dual allegiance to His Majesty's Government and the Indian Dominion Government—as, indeed, he would for the Dominion Forces alone, so long as they retained a quota of British units and personnel. Such an arrangement does not seem impracticable, and there seems to be no alternative to the acceptance of the principle of dual allegiance.

21. The organisation would then be on the following lines:—



22. CONCLUSIONS

(*a*) *Indianization*

(i) Although considerable progress could be made within ten years, it will be approximately twenty years before a completely Indianized Army will be fit to undertake its full military commitments. No such estimate can be given in the case of the Indian Navy and Air Force.

(ii) In order to achieve that target date, it will be essential to raise the standard of pre-cadet education; to expand the Indian Military Academy; and to increase the intake into the Staff College.

(*b*) *Internal Security*

(i) The organisation of an Armed Constabulary, possibly containing a quota of British personnel, is an essential pre-requisite to the assumption by Indian units of ultimate responsibility for the suppression of Civil disturbances.

(ii) British troops should remain available for employment on Internal Security duties for a period—at least five years—after the introduction of a new Indian Constitution.

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(*c*) *Military Organisation*

(i) Within the Indian Dominion, there should be separate commanders of the three fighting Services, responsible to a Supreme Commander who would himself be responsible to an Indian Defence Minister.

(ii) The Supreme Commander would owe a dual allegiance:—

to the Government of India for the Command of Dominion Forces, and for safeguarding the interests of Indian troops lent to a British controlled strategic Reserve; and

to His Majesty's Government for the maintenance of the strategic Reserve, and for safeguarding the conditions of service of British forces and personnel loaned to the Indian Dominion Government.

(iii) The Government of India would be responsible by treaty arrangement for the provision of the administrative requirements of the Supreme Commander in his responsibility to His Majesty's Government.

Annexure A to Note in No. 346

1. Establishment of the Indian Army officer cadre:—

Pre 1939

British	1,912
K.C.I.Os and I.C.Os	344

Ratio: 5.5 British to 1 Indian

October 1944

British officers Indian Army, including:

E.C.Os	18,239
British attached from British Army ..	16,893
K.C.I.Os, I.C.Os (including E.C.Os) ..	11,983[2]

Ratio: Excluding British Service Officers temporarily attached—1.5 British to 1 Indian
Including British Service Officers temporarily attached—3 British to 1 Indian

2. Officers holding permanent commissions and senior appointments in the Indian Army:

(*a*) There are no substantive Lieutenant Colonels.
(*b*) Approximately 500 Indian officers hold permanent commissions.

[2] [Note in original:] Of this total approximately 3,015 are in combatant units; the remaining 8,968 are in administrative departments and services.

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(c) The following K.C.I.Os and I.C.Os are commanding units or holding first grade or higher staff appointments:

I.A.C. Regiments	3
Infantry Battalions	18
Converted I.S.F. units	9
R.I.A.S.C. Lt.Col. Commands ..	10
Staff appointments:	
Brigadier	1
Lt.Col. (first grade)	19

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Sir A. Lascelles to Mr Amery

L/PO/8/11: f 44

PRIVATE BUCKINGHAM PALACE, *28 March 1945*

My dear Amery,

The Viceroy had luncheon with the King today, previous to which they had half an hour's talk. But I am afraid that H.M. did not find H.E. very communicative; as a result, I am to ask you whether it would be possible for you to send the King, from time to time, brief résumés of the discussions at the meetings of your Committee; H.M. feels that only by this means can he hope to inform himself accurately about current Indian affairs.

If this could be arranged, and any such reports were sent to me in a box, they would, of course, be sent at once by me to the King, who would keep them, physically & mentally, under lock and key.

Yours sincerely,
A. LASCELLES

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War Cabinet

India Committee. I (45) 15th Meeting, Minute 1[1]

L/PO/6/108c: ff 261–7

Those present at this Meeting held in Conference Room 'B', Great George Street, S.W.1, on 29 March 1945 at 9.30 am were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel; Sir Gilbert Laithwaite (Secretary)

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The Committee at the suggestion of the Lord President reviewed the position in relation to India in the light of their discussions[2] with Lord Wavell.

SIR JOHN ANDERSON said that he remained as apprehensive as ever of the possible consequences of Lord Wavell's proposals. He was conscious at the same time of the great difficulty of sending the Viceroy back empty handed. This had led him to consider whether, in view of the difficulty to be anticipated in reaching agreement among Indians and of the fact that our own plan for the reorganisation of the Centre had never come into existence, we should not try to devise an up-to-date plan for the Centre, to be imposed as a provisional Constitution. Any such plan would be an alternative to the scheme of the Act of 1935. It should be remembered that when that Act was passed we had taken the attitude that the changes which it made in the Provinces could not be justified without corresponding adaptations at the Centre. Those adaptations, through no fault of ours, had never been made. In actual working it was very difficult to reconcile with the existence of responsible Provincial Governments an organisation at the Centre with certain powers of control, but which was framed on the old bureaucratic model and had not been modernised in any way.

The scheme he had in mind would for the moment leave the States on one side. Under it the relations, responsibilities and control of the Governor-General, the Secretary of State and Parliament would remain in every respect as at present. But the communal proportions of the Executive control [?Council] (he had in mind 40% Hindu, 40% Muslim and 20% Others) would be prescribed by statute, and while members of the Council would as at present be selected by the Viceroy, arrangements would be devised to enable him to select them from a more representative field or in a manner which would give the Council a more representative character.

The scheme would be laid before Parliament and would be a frank admission on our part of the necessity for changes in the Centre. It would, however, be entirely without prejudice to the attainment by India of Dominion status and to the pledges that had been given in the Cripps offer. He thought it preferable to employ the regular process of legislative action rather than to endeavour to achieve our object by changes under the surface which might well be misunderstood here and in India.

If his scheme was agreed, he would make an immediate start on it, and would say in any public announcement to be made that the Government of India had been entrusted with the task of working out the details of the scheme within the limits specified (which would have to be made quite clear); that we would welcome any suggestions in connection with it which any interested party or individual wished to put forward; and that once the scheme had been worked out the necessary Parliamentary legislation would be arranged.

[1] Minute 2 relates to Burma. [2] Nos. 339 and 345.

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A scheme of this nature could, he thought, be put forward by us as a constructive plan for which we took responsibility. By putting it forward we would make it clear that on the one hand we were not static or stagnant, but on the other that we were not attempting (as Sir Zafrulla Khan had proposed) the impossible task of ourselves framing a Constitution for a self-governing India, which we would undertake to remain in India to put into effect. A self-governing Constitution which was dependent on His Majesty's Government standing by to ensure its operations was a contradiction in terms.

SIR JAMES GRIGG said that in the last few weeks there had been a development of the first importance in that the British military authorities now wished to Indianise the whole Indian Army. It would take 20 years to bring that about. He saw no alternative himself to accepting their advice. If the scheme was a success, then one essential condition for the grant of Dominion status was met. If, with a scheme such as the Chancellor of the Exchequer suggested there was combined a declaration that we now proposed to Indianise the Indian Army, and that when that process was completed we would hand over; and that meanwhile we would give every help in our power to India and to improve her general economic condition (which would involve a continuance of recruitment from this country to assist in developing India and help on her economy) the effect might be substantial. It would have the further advantage of taking the wind out of the sails of the Americans, since it was very much what they had done in the Philippines. We must face the facts.

There had been a time when Indians had been anxious for a timetable set out in terms of years. If, however, conditions had now changed and there were objections to saying in terms that this process would take 20 years, and that we could not hand over until it had been completed, we might avoid a fixed term, and say that we would hand over once Indianisation was complete. So long as the Indian army in its higher ranks was dependent on British officering, and so long as the Indian Government was dependent on British military assistance to maintain internal security, we could not say that we would hand over completely. Our last offer to India had been to accept any constitution on which Indians were agreed. His present proposals were on the assumption that no agreement between Indians was reached. While he still thought that the Viceroy's scheme was fraught with danger, he had been impressed during the conversations with Lord Wavell by the Viceroy's fears, and those of the official hierarchy, that the clock might shortly run down, and he agreed with the Chancellor of the Exchequer that it would be difficult to send the Viceroy back to India completely empty handed.

MR. BUTLER said that he agreed entirely with the Chancellor of the Exchequer. He would, however, like to reserve his position as regards the States. He was not sure that a scheme of the nature which had been put forward could

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be introduced for British India alone. It had always been the view of the authors of the Act of 1935 that it would be desirable to have the States as a stabilising force in the Centre. Provided an approach could be made on the lines suggested by the Chancellor of the Exchequer, and that the impression could be given that the Governor-General was being advised by his new Indian Executive to the maximum extent possible, while essential matters such as defence remained in our hands, he thought there should be a good prospect of some settlement. He had been much impressed in his connection by the valuable suggestions contained in the note by the Secretary of State's Advisers circulated as I. (45) 37.[3]

SIR STAFFORD CRIPPS said that the form of any announcement was material. He would like in any explanation of our policy and of these changes to emphasise to India the impossibility of our imposing a Constitution guaranteeing full independence in the absence of agreement in India. Who, after all, was to carry through such a Constitution in such circumstances? We should take the line in any statement to be made that the hopes we had built on the 1935 Constitution had been disappointed so far as the Centre was concerned; that we felt, because of our responsibility for the establishment of an efficient and satisfactory Government at the Centre, that we should make another effort; that it was clear that if anything was to be done it must in present circumstances be done by His Majesty's Government; and thereafter we should say quite plainly what we intended to do.

MR. AMERY said that he thought it important that any action taken should be taken very quickly and should eliminate those features of the 1935 Act which had proved to be unworkable. If the Chancellor of the Exchequer's scheme was to be an alternative to Lord Wavell's, we must be able to announce it at once as something that could be quickly carried through. On that assumption any alterations in the Act of 1935 should be the smallest possible. Partly for that reason he thought that the States should at this stage be left out, and that it should be made clear that these arrangements were provisional and without prejudice either to the permanent settlement of the Indian question, or to the pledges that had been given in the Cripps declaration of 1942. The two main changes, as he saw it, which would be involved were, first, that we should provide for the composition of the Governor-General's Council in the proportions 40 Hindu, 40 Muslim, 20 Others (this would be essential if the Muslims were to be carried with us); secondly, that some representative method of securing that Executive, without making them responsible in the sense of the 1935 Act to the Legislature, should be devised. Election by Proportional Representation by the Legislature might be considered. The changes he had mentioned could be carried out consistently with the maintenance of the

[3] No. 337.

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existing Constitution, and would result in producing something reasonably assured as a representative Executive, without the difficulties of calling a number of party leaders for discussion and negotiation. Further, if the new Executive was selected from some representative body, its de facto power would be the greater. The only supplementary suggestion he had to make was that the External Affairs Department might be transferred to the control of an Indian Minister. Broadly speaking, he thought that a scheme of this nature could be made to appear more attractive than the offer suggested by the Viceroy, and on merits preferred it to the Viceroy's. His only doubt was whether given the relatively small difference in certain aspects between it and the Viceroy's, it might not be better to adopt the latter. He had been impressed by Lord Wavell's feeling that it was not possible to by-pass the two great political parties, and by his hope that under his offer he would be able to bring them together to form an interim executive.

SIR JOHN ANDERSON said there should be no question of an *offer*. We must say what we had decided to do, and repeat that the Cripps offer remained open. He would be against the election of the Executive by proportional representation. If however we could provide for the setting up of a sort of National Advisory Council for India of an all-India character, provision might be made that the Viceroy would choose his Executive by some indirect manner, from that body, with due regard to the prescribed communal proportions. Selection of this kind would give an elective aspect to the new Council. He reminded the Committee that outside the Montagu Chelmsford Constitution administrative committees of the Legislature with defined functions had been created by election by the Legislature. It could then be provided by convention, but not by statute, that the Viceroy would make his selection in the manner required. He would, however, include the communal composition of the Executive in the amending Statute; would cut out the States from the Central Executive and Constitution, and would try to make some re-adjustment of power between the Centre and the Provinces. He would be prepared to consider the transfer of the External Affairs Department to an Indian Minister. He would not think it wise to raise at this stage the question of a treaty to cover defence, and would prefer in that respect to go on as at present. There would be something artificial in a treaty between His Majesty's Government and the kind of Government of India that he had in mind.

SIR STAFFORD CRIPPS said that he was attracted by these further details of the Chancellor of the Exchequer's scheme. The difficulty was that if we were going to introduce into Parliament a measure involving any considerable amendment of the Act of 1935, there would be pressure from all interested directions that the amending measure should cover the points in which they were interested, and the impression would be created that a new Constitution

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was being devised. He thought there was a great deal to be said for a new system of the type indicated with a National Council and elected bodies as the basis of the Viceroy's choice.

LORD SIMON said that he was in a quandary. The Chancellor of the Exchequer proposed that the British Legislature would prescribe by Statute the communal composition of the Executive Council. Were we contemplating the action now in view because we wanted to keep the present Viceroy, and thought that a move of this nature was preferable to his resignation, or because we thought that there was justification for a change of this nature being made by the British Parliament, and that it would be calculated to content? He did not himself think that we were making progress by saying that since the Cripps offer (which had represented an immense advance) had been blocked by the inability of Indians to make proposals for their own Constitution, it therefore became the business of the British Legislature to undertake that task. Nor did he feel that we ought to "resume the initiative", to do so would only increase the risk of disaster. Lord Hailey had pointed out in *The Times*[4] the difficulty of reconciling action of this nature with the possibility of Pakistan. If important Muslim opinion regarded a move on our part, as blocking or contrary to their wishes, would it carry with it the approval we would all like? From the complete failure of the scheme of the Act of 1935 so far as the Centre was concerned, he himself deduced a warning that we could not undertake the reformation of the Indian Centre in the British Parliament. If a plan could be devised which Parliament would adopt, that would be a different matter. But if we were taking this line partly because we wanted to meet the Viceroy, we should have before us a period of great controversy here and in India. He would like to see the Chancellor of the Exchequer's scheme on paper and be able to examine it at greater leisure before reaching a conclusion.

SIR STAFFORD CRIPPS said that the Viceroy and his advisers thought that the administrative machine was running down and that pressure on it would be much eased by the reduction of political hostility which would, in their judgment, result from action on the lines proposed by the Viceroy. If we were going to get the desired effect from Lord Wavell's declaration, he thought Indians would not mind waiting for such time as it took to give practical effect to it. It need not take much more than a month or so to work out and it could thereafter be quickly passed through Parliament, more particularly if the response to it in India had been satisfactory. He agreed, however, that most careful examination was needed, and that there would be advantage in a paper by the Chancellor of the Exchequer.

SIR JAMES GRIGG said the biggest element in the wearing down of the Indian Civil Service had been, in his view, our expressed intention of clearing

[4] On 27 March.

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out of India and the fact that the implementing of that intention had been hanging over their heads for so long. Uncertainty as to the future had had a very demoralising effect. If on the other hand we could now rely on having another 20 years for the British administration to work in India, he felt that the attitude of the Services would be very different, and that they could be of the greatest help to Indian Ministers.

SIR JOHN ANDERSON said that the suggestions which he had made at the beginning of the meeting had been impressionist in character and inevitably very tentative. In making them he had not been influenced by considerations of the position of the present Viceroy or of any individual. Inevitably, however, the fact that Lord Wavell had had 18 months as Viceroy and that during that period nothing had happened in the Constitutional field and that he was now back in this country for consultation, made it very difficult to let him return to India empty handed, with no declaration on the part of His Majesty's Government as to where they stood. He felt that there was great force in the point that we could not impose a full Dominion status Constitution in India, in the absence of agreement in that country. That was a point that must be emphasised and put across in any declaration. He would be very ready, as desired by the Committee, to circulate a paper elaborating his proposals in greater detail in the light of the discussion. His attitude in a word was that he felt, as regards the Centre, that we ourselves had left something undone. If we continued to do nothing the Centre would deliquesce. He would like to recrystallise it, but quite openly by discussion in Parliament, and to recrystallise it on the plain basis of the existing responsibilities and the controls of the Viceroy, the Secretary of State and Parliament pending India's taking advantage of the new Constitutional arrangements embodied in the Cripps offer which we were prepared to concede once Indians themselves were in agreement.

THE COMMITTEE:—

(i) Agreed that discussion should be resumed on TUESDAY, 3RD APRIL, 1945 at 3 p.m. at 11 Downing Street.

(ii) Invited the Chancellor of the Exchequer to circulate a memorandum setting out in greater detail the scheme which he had put before them, with a view to its consideration at the next meeting of the Committee.

(iii) Invited Sir Stafford Cripps to assist the Committee by considering the possible terms of a declaration which could be considered at the same time as the Chancellor of the Exchequer's plan.

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Sir J. Colville to Mr Amery

Telegram, L/P&J/8/653: f 187

MOST IMMEDIATE NEW DELHI, *29 March 1945, 9.55 pm*
SECRET *Received: 29 March, 6.30 pm*

609–S. Casey's telegram No. 84[1] dated March 29th.

Speaker has now adjourned Assembly *sine die* on the ground that no business can be conducted in view of Government defeat. This strange decision cannot be disputed. There is therefore no alternative to Section 93 for the purpose at any rate of securing supply. I have advised Casey accordingly. Proclamation will probably be made to-morrow.

2. Mudie and Thorne consider that no stable ministry possible in Bengal without general elections which they recommend should be held in six or eight months time as soon as electoral rolls can be revised. I have asked Casey to comment on this proposal and meantime to give no indication of his views about probable duration of Section 93 administration. I will let you have opinion after taking advice on all-India implications of a decision to hold elections in Bengal.

[1] In this tel., Mr Casey informed Sir J. Colville of the defeat of Sir Nazimuddin's Ministry in the Bengal Assembly on 28 March on the agricultural grant. If Sir Nazimuddin was unable to obtain adequate support for the remainder of the Budget, Mr Casey sought Sir J. Colville's authority to institute Section 93 government in Bengal. L/P&J/8/653: ff 188–9.

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Mr Amery to Sir J. Colville

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *29 March 1945*
Received: 5 April

The discussions with Wavell have been going on quite usefully, but are still in an entirely fluid stage and we are not likely to reach any definite conclusions for at least a week after Easter, probably more. We are all adjourning for the next three or four days, to return with fresh zest to the fray next Tuesday.

2. Wavell will also be having a talk with the Cabinet Foodgrains Committee next week in order to put them wise as to the whole food situation, while Leathers on his side will no doubt explain some of the terrible difficulties of the

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shipping position at this moment. I am not expecting any specific conclusions from this meeting, but only better mutual understanding, which should be helpful later on if by any chance the food situation in India got worse.

3. I think it is just as well that Nazim-ud-Din was not prepared to toy with a Congress Coalition in Bengal at this moment. Letting Congressmen loose in Assam, and allowing processions, speeches, etc., may be tiresome. In Bengal, with the terrorist element, it might be really dangerous.

4. Meanwhile, things are going with a will in Germany. From the point of view of world politics it has been immensely important that we should be victoriously across the Rhine and moving into the heart of Germany before the Russians get to Berlin. But a great deal will have happened even before this letter reached you.

PS.—I have just seen a telegram stating that Nazim-ud-Din's government in Bengal has been defeated by 18 members of his party deserting to the opposition. That may of course bring the whole Coalition business up again.

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Mr Amery to Sir A. Lascelles

L/PO/8/11: f 42

INDIA OFFICE, *29 March 1945*

My dear Lascelles,

I have just received your letter of the 28th[1] about the proceedings of the India Committee. The most helpful thing from your point of view might be the actual minutes of the Committee, though I hardly suppose that The King will have time to wade through them.

I think I can say that Wavell has greatly impressed the Committee. His opening statement was very clear and forceful and his answers to the many conundrums put to him have been effective by the very moderation of his statements. He has throughout insisted that the solution he has put forward involves great risks, but that the risks of doing nothing are even greater. What I think particularly impressed the Committee was his insistence upon the weakness and weariness of the instrument still at our disposal in the shape of the British element in the Indian Civil Service and the inability of that instrument to cope with the problems before it, both of reconstruction and of possible unrest after the war, unless it is to enjoy a much greater measure of public support than it does at present. The fact that all his European advisers at the Centre and all the Provincial Governors agree with him that some

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initiative must be taken has also not been without its effect on the minds of the Committee.

Naturally the Committee have cross-questioned him very closely and critically and are by no means yet convinced that the line of approach which he favours is the right one. We are now by way of going to consider alternative possibilities, probably based on bringing into effect the Act of 1935 at the Centre by so altering the Executive as to make it a Coalition in agreed proportions and independent of adverse votes in the Legislature. We shall be getting down to that subject next week. A solution on these lines would not necessarily be inconsistent with Wavell's proposal as at any rate a first step.

Yours sincerely,
L. S. AMERY

[1] No. 347.

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Mr Casey (Bengal) to Sir J. Colville

Telegram, L/P&J/8/653: f 176

MOST IMMEDIATE
SECRET

CALCUTTA, *30 March 1945, 6.25 pm*
Received at India Office: 30 March, 11.55 pm

93. Following for the Viceroy from Governor.
With regard to political future I do not know whether I have made adequately clear to you as to Lord Wavell with whom you may have discussed the matter my conviction that in the conditions obtaining in Bengal no trustworthy and stable ministry can be expected to be formed so long as it will be dependent on members of the present legislature.

2. I do not doubt that possible aspirants for office whom I have described as discredited in my telegram No. 84[1] of March 28th would be able after party manoeuvring to produce an appearance of a clear majority though I have no information in this connection at present. But such majority must inevitably be built on corrupt foundations and corrupt expectations.

3. The situation in Bengal is such that I am convinced that a substantial period of Section 93 government is essential (repeat essential). Combining the prospective food situation and many other problems facing this province with the expected intensification of war against Japan (when presumably Bengal will

[1] See No. 349, note 1. In this tel. Mr Casey mentioned Mr Syed Nausher Ali, Speaker of the Bengal Assembly; the Nawab of Dacca; Khan Bahadur Fazlul Huq; and Mr Faroqui as possible candidates for the Chief Ministership. L/P&J/8/653: f 188.

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be an even more important British base than now) I cannot contemplate without grave anxiety the drag which an inevitably corrupt and inefficient ministry would place on Bengal administration. Such ministries have been largely instrumental in bringing Province to pass to which it came in 1943 and from which with great difficulty and very slowly it is emerging.

4. My views in this regard have not been formulated in the (?last) (?few days) (?.) (?I had) recorded them in a great many letters and telegrams to Lord Wavell over the past twelve months, and I am convinced that they represent a true picture.

5. Further it is essential that with a view to new elections and a revitalised and cleansed legislature the province should be given a fair chance through an intervening period of sound administration to put its house in order. I cannot see that any possible political combination necessary to formation of ministry offers hope of such administration. I therefore contemplate period of Section 93 government until new elections which at the earliest cannot be before 6 or 8 months. In private discussion with Nazimuddin he does not believe that there would be any disturbances within Bengal nor any unfortunate repercussions in India outside Bengal at prolongation of Section 93 administration until an election could be held.

6. Although the senior administrative staff of the Province are most inadequate in numbers, and rank[2] diluted in quality to the last point, I believe that we will be able to show substantially better results under Section 93 than under any ministry that it is possible to contemplate.

7. In my communications to the Viceroy since I have been in Bengal and particularly in recent months, I think it possible that I have not adequately reflected the very great strain that is imposed on myself and on members of administration by continued existence of an inefficient time wasting ministry whose minds are almost wholly devoted to patronage and politics and to whom the merits of any proposal and its effect on the people of Province are completely secondary matters. And any alternative ministry that is possible would be much worse in this regard than the last ministry, which is at least restrained to some regard for principle by Nazimuddin who has at least got personal integrity.

8. I trust that my advice as regards the prolongation of Section 93 will be accepted by yourself and by Secretary of State.

Repeated to Secretary of State for convenience.

[2] 'rank and file' in Wavell Papers.

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Sir A. Lascelles to Mr Amery

L/PO/8/11: f 43

WINDSOR CASTLE, *30 March 1945*

My dear Amery,
I showed your letter of yesterday[1] to The King, who found your comments most helpful.

I spoke to Turnbull about the proceedings of the India Committee, & he undertook to arrange with Bridges that copies of the minutes should be sent to me in the Cabinet box.

Yours sincerely,
A. LASCELLES

[1] No. 351.

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Mr Abell to Mr Turnbull

L/P&J/8/521: ff 5–6

THE VICEROY'S HOUSE, NEW DELHI, *30 March 1945*

My dear Turnbull,
I enclose a copy of a note about an interview between Mr. C. Rajagopalachari and Mr. J. Holburn, Correspondent of *The Times*. This may possibly be of some interest to you. Some of it, of course, may be wishful thinking by Mr. C. R.

Yours sincerely,
G. E. B. ABELL

Enclosure to No. 354

30 March 1945

Mr. Holburn, Correspondent of *The Times*, came to see me today. He had just had an interview with Mr. C. Rajagopalachari. Mr. Rajagopalachari said that he had actually seen the Desai-Liaquat Ali Khan agreement, which Liaquat Ali Khan said in the Assembly was an absolute fabrication. Apparently Liaquat Ali Khan had told Desai that for political reasons it was necessary for him to deny the existence of the agreement.

2. According to Mr. Rajagopalachari Gandhi has given his blessing to the Desai proposals and would be willing to persuade the members of the Working Committee to take office in an interim government if they were released.

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3. Mr. Rajagopalachari does not think that Jinnah would prevent the formation of an interim government. He pointed out rightly that the strength of the Muslim League lay in the Muslim minority Provinces, where Pakistan is only a bargaining counter to secure better representation of Muslim interests at the Centre. If the Muslims were offered the 40-40-20 ratio Jinnah would not be able to prevent the Muslim League accepting it.

4. Mr. Rajagopalachari suggested that there were three possible interim solutions under the present constitution. The first was the working of the 1935 Federation scheme with the omission of the Princes. The second was an arrangement by which there should be Ministries in all Provinces and each Province should send one representative to be a member of the Executive Council. In addition to these there would be a few extra representatives to secure the necessary balance and to represent minorities. I asked Mr. Holburn whether Rajagopalachari suggested how the Provincial representatives would be selected, and he said that he had not been clear on this point.

5. The third possible interim measure, in Mr. Rajagopalachari's opinion, was on the lines of the Desai proposals.

6. Some of the above may be of interest at home, and I have sent a copy of this note to Mr. Turnbull.[1]

G. E. B. ABELL

[1] Sir J. Colville minuted on a copy of this note: 'Someone is telling lies but it is worth passing on to Secretary of State.' Wavell Papers, Notes of Important Interviews, 1944–7, p. 90.

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Minute by Mr Patrick

MSS.EUR.D.714/68

30 March 1945

Sir D. Monteath.
Secretary of State.
With reference to the footnote to page 5 of India Committee paper I (45) 37 of 24th March[1] referring to the absence of a guarantee to States of protection for their rights from a responsible Indian Government the note below explains briefly the legal background of the point at issue.

It is clear from examination of the terms offered to States in 1939 in draft Instruments of Accession that the greatest difficulty arose over the fiscal entries (customs and excise) in the Federal legislative list; on the entries relating to External Affairs, Defence and Communications no difficulty seemed to arise.

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It has been suggested to me by Mr. Menon that if Lord Linlithgow had been able to offer to the States at the outbreak of war the opportunity to federate on the above entries only, leaving the rest to be arranged by direct negotiation between the States when federated and the Federal Government, it would in fact have been possible to bring into force Part III of the Act of 1935 and to secure Moslem co-operation. I cannot say if Mr. Menon's view is correct. But I feel sure that if it were now decided to enable the States to accede to Federation, it would, for the reasons pointed out in the attached note on States' rights be a fatal mistake to reopen with Rulers the bargaining at the point at which it was left in 1939. To bring the States inside a Federation it would suffice to procure their accession for a very limited range of subjects. Within the Federation the States could secure that they obtained good terms for their accession for other matters.

For this reason I do not think that the reopening of the Federal offer to States would mean great delay or complications so long as a fixed quota were not needed to enable Federation to be set going.

P.J.P.

Enclosure to No. 355

Protection of States' Rights

The rights of the States range from the basic guarantees of integrity of the Rulers' territories and perpetuation of their dynasties accorded in various treaties, engagements and sanads (including the Canning sanads recognising adoption in the event of failure of heirs), to particular promises of military protection or of payments in money or in kind in return for cessions of territory or fiscal rights. They also include other business arrangements negotiated with the Paramount Power for the lease to Provincial Governments of forests, excise administration and territory.

A principal anxiety of the Rulers has been that the British guarantees in these agreements shall not be transferred to another party without their consent.

The method whereby States were invited to accede to the Federation contemplated under the Government of India Act 1935 enabled them to make limitations acceptable to the Crown (as advised by the financial and other authorities of the Government of India) on their acceptance of the operation of Federal legislation and administration of the various Federal subjects specified in Schedule 7 of the Act within their territories. It did not include the negotiation of agreements binding on the Federation to respect the rights of States in matters outside the sphere in which they yielded powers to the Federation.

As a result of negotiation and discussion with the States the recognition of wide limitations on the Rulers' acceptance of a number of subjects was formally

[1] See No. 337, note 9.

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offered to States generally and particularly to those who as a result of business agreements had specific rights to protect. It was however explained to all the States that the effect of these limitations was not to bind the Federal Government and legislature to respect the States' rights since there would have been no direct agreement with the authorities to be set up under Federation for this purpose. The limitations would be subject to the interpretation of the Federal Court in its original jurisdiction and the Court would be in a position to declare that an action taken or contemplated by the Federal Executive or legislature was *ultra vires* in respect of an Instrument of Accession. But it was on the special responsibility of the Governor-General to protect their rights generally that the States were invited to rely to prevent the Federal authorities from pursuing policies which would affect their rights in other respects.

What many of the States would no doubt prefer would be to secure the direct recognition by the Federation of the rights they claim and that any dispute arising regarding these should be determined by the Court rather than by the uncertain intervention of the Governor-General acting under a special responsibility. What exists to prevent this alternative from being adopted?

In the first place the business agreements on which many of these rights repose were originally drawn up without expectation that they would be subject to legal interpretation. They were therefore expressed in a form suitable to interpretation by the Paramount Power in its free discretion. A good many of the rights of States rest on understandings and usage rather than on legally expressed provisions. It would be necessary to revise the terms of agreement to the satisfaction of the parties with a view to making them fit for judicial interpretation. Incidentally many of the agreements relate to matters affecting the Provinces and not the Federal Centre and there are rights not specified in any agreements.

In the second place many of the rights claimed by States constitute a very serious inroad on the executive and legislative authority which the Federation would freely exercise within British India, particularly in the fiscal field. It was not thought politically expedient to impose on the Federation from the outset by Act of Parliament the obligation to treat as sacrosanct for all time States' rights which appeared contrary to the conception of Federal authority.

Lastly it was intended that the Federation should not be constituted without the accession of a minimum proportion of the States. Thus it was impossible to arrange that the acceding States should conclude agreements with the Federation to secure its recognition of the rights they claimed before their accession had been accepted.

2. It has now to be decided whether when the invitation to accede to a Federation is reopened it will be necessary to adhere to the procedure on which the previous negotiations were conducted.

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In the first place will the States execute Instruments of Accession with the Crown in the United Kingdom, with the Crown Representative in India or with the Federal Government itself? The latter would only be possible if the British Indian portion of the Federation came into being before States had acceded. But to this there are political objections. It is with the Crown that the States are now in relation, but there seems no inherent reason why they should not execute Instruments of Accession to be accepted by the Crown Representative in India on behalf of the Crown.

Next at what stage could the States enter into negotiations with the Federal Government for the recognition of their rights? If it is decided that a British-Indian Union of Provinces should not be constituted but that the new Union should at the outset embrace the States willing to accede, these negotiations could only take place after the States' accession. Until the negotiations have resulted in agreements acceptable to both parties it will be necessary for the Governor-General with the advice of the Crown Representative to exercise some power, such as the existing special responsibility enabling him to protect the rights of States at his discretion.

Eventually it is to be hoped that the field of protection would be narrowed to vanishing point by:—

(*a*) the conclusion of agreements to replace the existing business arrangements between the Crown Representative, acting on behalf of the existing Central and Provincial authorities in British India, and the States:

(*b*) the conclusion of a treaty between H.M.G. and the new Federal Government embracing recognition by the latter of the territorial and dynastic integrity of the States and any special arrangements in the sphere of defence which the States require on the basis of their existing treaties.

The residue of matters in which the States might wish to preserve direct relations with the Crown would continue to be handled through a Crown Representative. It is not to be overlooked that these would include what may be termed the disciplinary responsibilities of the Crown in regard to erring Rulers. It is not to be expected that Rulers will agree to accept the intervention of the Federal authorities on the ground of their alleged misrule. But if the Crown Representative is to continue to exercise this function of Paramountcy he may have to rely on the assistance of the Federal authorities so far as the application of force beyond the police elements at his disposal may be required.

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Sir J. Colville to Mr Amery

Telegram, L/PO/10/25

IMMEDIATE NEW DELHI, *31 March 1945, 7.30 pm*
SECRET

No. 617–S. Casey's telegram No. 93[1] of the 30th March. I entirely agree that Bengal needs a period under Section 93 and as no stable Ministry is in sight I think Casey should assume six-month period for purpose of planning. But a definite undertaking that Section 93 will last for six months is another matter and I do not see how this could be given. For instance, if Interim Government were formed at Centre, Ministries would almost certainly follow in all Provinces. I think Casey should be able to hold situation satisfactorily until outlook is clearer, and that he need not give any encouragement to ministry-makers.

2. I am examining issue of general elections but there are many factors involved including outcome of London talks. I presume War Cabinet would dislike idea. All Governors would have to be consulted, but I will not address them without first referring to you. In any case an immediate decision is obviously impossible.

3. Casey feels very strongly on issue of continuance of Section 93, a factor I know you will bear in mind.

[1] No. 352.

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Mr Amery to Sir J. Colville

Telegram, L/P&J/8/653: ff 173–5

IMMEDIATE INDIA OFFICE, *31 March 1945, 4.30 pm*
SECRET

7231. Your telegram 614–S[1] of 30th March and previous telegrams including Casey's of 30th March repeated to me as No. 93.[2] Bengal situation. I fully agree that in circumstances resort to Section 93 was necessary.

2. I clearly understand the acute administrative difficulties from which Casey has been suffering under existing institutions in Bengal and I realise that last two paragraphs of his communiqué may well be salutary in the circumstances. We must however bear in mind that inefficiency and even corrupt

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practices do not themselves afford legal justification for direct resort to Section 93. This has recently been confirmed by Law Officers' opinion here. Considerations in paragraph 7 of Casey's 93 of 30th March cannot therefore be used to justify Section 93 régime. On the other hand those[3] used in Casey's letter to Wavell of 4th July [1944][4] as quoted in paragraph 6 of Casey's 84 of 28th March[5] to you do seem to afford sufficient justification for continuance beyond period in any case necessary to overcome supply difficulty.

3. Conversations with Wavell here have not yet reached definite issue but outcome may possibly affect Bengal situation by repercussion from All-India developments. Position should be clearer in a week or ten days' time and I feel we should be wise not to disclose our intentions as regards prolongation of Section 93 régime until general situation is clearer. While, therefore, I agree with paragraph 2[6] of your No. 614-S I hope Casey will not go beyond announcement already made which is sufficient indication that S. 93 régime may be prolonged.

4. I do not, of course, pre-judge Casey's request in any way but do not wish situation to be crystallized publicly until it can be considered in the light of any All-India development.

Repeated to Governor of Bengal.

[1] This tel., *inter alia*, repeated the text of a draft communiqué by Mr Casey on the institution of Section 93 in Bengal. In the last two paras. of the communiqué, the Governor stressed that Section 93 would ensure that the administration of the Province would function as effectively as its manpower and other resources permitted. He believed the whole of Bengal politics needed careful consideration and stated that this was a matter 'on which I have no intention of being hustled into hasty decisions'. L/P&J/8/653.

[2] No. 352.

[3] These considerations were: the fragmentation of parties and groups in the Bengal Assembly, their conflicting political policies and the conflict of personalities, together with evidence from recent history, which made it impossible to form an alternative Government to Sir Nazimuddin's that would promise a reasonable degree of permanence or stability.

[4] Wavell Papers, Official Correspondence: India, Oct. 1943–Dec. 1944, pp. 253–8.

[5] L/P&J/8/653.

[6] This para. read: 'I have talked to him on secraphone. He is very anxious to give no immediate indication of desire to return to Ministerial government and I hope you will agree.' *Ibid.*

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War Cabinet

India Committee. Paper I (45) 41

L/PO/6/108c: ff 259–60

NOTE BY THE CHANCELLOR OF THE EXCHEQUER

TREASURY CHAMBERS, S.W.1, *31 March 1945*

1. The discussions that we have had since Lord Wavell's return have not, I am afraid, mitigated to any material extent my apprehensions as to the practical results of the course of action advocated by him. I still fear that the consequences would be to weaken an already weak administration and to undermine the position of the Viceroy, the Secretary of State and Parliament. Indeed I think it very likely that, if they won acceptance in India, they would be deliberately exploited to those ends.

2. On the other hand, I am fully conscious that the consequences of sending the Viceroy back empty handed might well be deplorable, in view of the expectations that his visit has inevitably aroused.

3. I have, therefore, been led to suggest to my colleagues that we should now consider an approach to the constitutional problem on the following lines.

4. We should renew the declaration of 1942 in the most explicit terms, making it clear that, so far as we are concerned, it remains unreservedly open.

5. In doing so, we should endeavour to establish beyond doubt or cavil, that, as a matter of stern reality, it represents the utmost length to which this or any other Government could possibly go. We should aim at exploding, once and for all, the idea that we could ourselves devise and impose a new constitution conferring full self-government. The argument would be that we would have to be on the spot to put through any constitution framed by us. But the sort of constitution contemplated by the 1942 Declaration assumes our departure and thus the imposition of such a constitution involves a contradiction in terms. Much would obviously depend on our success in putting this argument forward in such a way as to carry conviction in India, here, and in the Dominions and the U.S.A.

6. Therefore the full satisfaction of India's aspirations is a goal not immediately attainable; but there is, nevertheless, something that we can and should do at once. The existing Constitution Act was planned as a whole and designed to be brought into full operation over a short space of time. The idea that the Provincial changes might be made but the Centre remain indefinitely as before

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was canvassed during the passage of the Act and decisively rejected. We must now recognise that the plan for the Centre has failed. The immediate problem, therefore, to which we should address ourselves without further delay is to devise a provisional constitution for the Centre which will be consistent with full provincial autonomy and will not prejudice the ultimate development of full responsible government at the Centre.

7. The changes now to be made might be somewhat as follows, requiring of course legislation but of a quite simple character:—

(i) replace the Executive Council by a Council of Ministers to be appointed not by the Crown but by the Governor-General.
(ii) Ministers to hold office at the pleasure of the Governor-General, to be selected by him with the declared purpose of ensuring as fair representation as practicable of the main elements in India's national life, and to be drawn as to at least 4/10ths from the Caste Hindu community and as to at least 4/10ths from the Muslim community.
(iii) the Governor-General's special powers under the pre-1935 legislation to be abrogated and to be replaced by responsibilities and powers of the character of those provided in the 1935 Act.
(iv) external affairs to cease, subject to suitable safeguards, to be a wholly reserved service. This would incidentally enable India's representatives in foreign countries to be given full diplomatic status. It would be appropriate that provision should be made at the same time for the appointment of a British High Commissioner in India.

8. Probably no change need be made at present in the constitution of the central legislature.

9. Consideration should be given to the possibility of some further delegation of functions to the Provinces, with at the same time some extension of the concurrent legislative list. There should however be no concurrence of executive responsibility apart from grave emergency.

10. Legislative changes should be limited to the foregoing but a declaration as to the complete indianisation of the Army might be made simultaneously with the announcement of the proposed changes.

11. Consideration might also be given to the establishment by administrative action of a Grand Council of India for consultative purposes. Such a Council might be elected in part by members of the Provincial Legislatures by the method of proportional representation. It should include representatives of the Princes, with perhaps a further small nominated element. It should meet under the presidency of the Governor-General, and should hold a Session at

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least once a quarter for the discussion of matters of interest to India as a whole. The Governor-General might undertake normally to choose his Ministers from members of that body.

J.A.

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War Cabinet

India Committee. Paper I (45) 42

L/PO/6/108c: ff 255–8

NOTE BY THE MINISTER OF AIRCRAFT PRODUCTION

MINISTRY OF AIRCRAFT PRODUCTION, S.W.1, *31 March 1945*

I circulate herewith a draft of the possible terms of a Declaration to the Indian people. It is drafted on the assumption that the Declaration would be made by the Governor-General in India.

The detailed arrangement for the Grand Council suggested in paragraphs 18 and 19 is of course a tentative one and will require consideration by the Committee.

R.S.C.

DRAFT DECLARATION

1. I have taken the opportunity of my visit to the United Kingdom to discuss with His Majesty's Government the present political situation in India and as a result of those discussions, certain decisions have been arrived at which I now wish to announce to the people of India.

2. His Majesty's Government abide by the policy expressed in their Declaration of March, 1942. The proposals it contained as to the means by which self-government might be established in India stand in their full scope and integrity, unaltered and unqualified. It is still the hope of His Majesty's Government that the Indian leaders will be able to agree amongst themselves upon the terms of a new and permanent constitution for a self-governing India.

3. His Majesty's Government are deeply concerned at the prolongation of the political deadlock between the main Indian communities which continues to make impossible any agreed solution of the Indian constitutional problem. This unfortunate state of affairs is placing great difficulties in the way of the Indian Administration and is gravely hampering the urgent task of economic and social reconstruction in India.

4. The Japanese menace has been removed from India by the efforts of the United Nations, efforts to which Indians themselves have made a great

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contribution both on the fighting fronts and at home. The final defeat of Japan, as of Germany, has now become certain.

5. It would be disastrous for the whole future of a self-governing India if the absolutely necessary tasks of social and economic reconstruction were to be held up while a settlement is awaited of the complex constitutional problem.

6. It is not feasible for His Majesty's Government, failing such an agreement, to impose a constitution of self-government upon India nor would it be possible to see that such a constitution is enforced once it is imposed.

7. The very essence of a self-governing constitution is that it should be worked out and agreed upon by the Indian people themselves through their political leaders, and no outside power can do this work of constitution-making which essentially belongs to the Indians themselves. The final constitution contemplated by the offer in March, 1942, presupposes that Great Britain would withdraw from the administration of Indian affairs in favour of an Indian Government and it would be a complete contradiction in terms if His Majesty's Government were to accept the responsibility for enforcing upon the Indian people a form of self-government.

8. His Majesty's Government do, however, feel most strongly that they should give their utmost assistance, within the existing constitution, to enable all the major Indian political forces to co-operate in the completion of the struggle against Japan and in the reconstruction of India.

9. It was their intention, when the wide measure of constitutional progress was introduced by the Act of 1935, that the establishment of democratic Government in the Provinces should be followed by the introduction of self-government at the Centre. On account of Indian differences of opinion it was not possible to reach agreement upon the introduction of the new constitution for the central Government. This has resulted in a lack of balance between the provincial forms of Government and that at the Centre, where the older form of the constitution of 1919 still persists.

10. It is not possible to make any fundamental alteration of the constitution until agreement is reached between the Indian communities. His Majesty's Government, however, wish to do their best within the existing constitution to bring into the central Government all those Indian political forces that can contribute to the reconstruction of India. By so doing, they would hope to facilitate their ultimate agreement upon the terms of a new constitution.

11. During the period which must elapse before the coming into force of a new constitution—which can only be shortened by the willingness of the Indian leaders to reach agreement on that constitution—my position as Governor-General and my special responsibilities must continue as before, as

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must my responsibility to the Secretary of State for India and so to the British Parliament.

12. It will also be necessary during this transitional period to maintain the control of the Commander-in-Chief over defence matters and he will in consequence remain as the War member on my Executive Council.

13. His Majesty's Government are, however, prepared to agree that I should choose my Executive Council from amongst the recognised leaders of Indian political opinion and they have authorised me to enter into consultation with those leaders in the immediate future as to the formation of such a new Executive Council.

14. I have further received instructions from His Majesty's Government that such a new Executive, if formed, should contain a fixed proportion of communal seats—Caste Hindu and Muslim each 40 per cent. of the whole, and the remaining 20 per cent. from minorities of importance such as the Sikhs and the Scheduled Castes.

15. I am authorised too, immediately the Japanese War is over, to appoint an Indian member of my Executive to have charge of External Affairs and at the same time, His Majesty's Government will appoint a High Commissioner to represent their interests in India in the same way as with other Dominions. This will enable India's representatives in Foreign countries to be given full diplomatic status.

16. This reconstitution of the executive will further enable the Indian members of International conferences to be chosen with a view to their being more representative of Indian political parties than has been possible in the past.

17. If this arrangement is agreed to by the Indian leaders, I should of course expect the parties to resume their position in the Provincial Governments so that in those provinces where representative Governments have ceased to function they might be re-established.

18. A great deal of thought has been given to the best method of ensuring that the members of my Executive should have as large a measure of popular support as is possible within the existing Constitution. It seems to me, and in this His Majesty's Government agree, that the best way to ensure that objective is by making my choice of Executive members principally from amongst those who have been directly or indirectly elected to the legislatures either in the Provinces or at the Centre.

19. I therefore propose to set up a "Grand Council of India" which will be appointed from the Provinces and the Centre, 4 members from the Centre, 3 from each of the larger Provinces and 2 from each of the smaller Provinces. From the members of this Advisory Council I shall choose three-quarters of

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my Executive, the remainder being appointed by me in consultation with those so chosen. The appointments from the Provinces will be made by the Governors in consultation with the party leaders and those from the Central Legislature by myself, after similar consultation. This new Council would be able to advise me upon matters affecting the relationship of the Centre to the Provinces and would also be able to keep in close liaison with the Indian States which could, if they wished, also be represented on the Council.

20. Neither I, nor His Majesty's Government, suggest that this is anything more than a temporary means of enlisting the help of Indian leaders and their followers [i]n the Government at the Centre. Nevertheless, we hope that by such co-operation in the Executive Council, the way to the formulation of a new constitution might be eased and the journey expedited, while at the same time the Indians themselves would take the lead in the great tasks of finishing off the war against Japan and of reconstruction, that lie immediately ahead.

21. It is in this spirit that I commend it to the people of India. There is so much to be done in the practical way of improving the conditions of the Indian people, that we must not allow ourselves to be held up in social and economic advances because of the difficulties of solving the political problems.

22. I am convinced that the more we can do to improve the lot of the Indian peasant and worker by the co-operation of all classes, religions and parties the easier it will become to find solutions to those constitutional problems which have hitherto baffled the best Indian brains.

23. I, therefore, ask your whole-hearted co-operation in this new step forward because I hope it will prove itself to be the beginning of fresh hope for the Indian people of prosperity and of self-government.

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Sir Tej Bahadur Sapru to Field Marshal Viscount Wavell (via India Office)

Telegram, L/P&J/8/511: ff 46–7

EN CLAIR NEW DELHI, *31 March 1945, 7.15 pm*
Received: 2 April, 1 pm

The Conciliation Committee now in session here desires me, as its Chairman, to communicate to you the following resolutions which it has adopted unanimously:—

"In view of the internal situation particularly relating to the economic life of the people, and in view of the rapid pace at which international events are

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marching, and in view of the necessity of India being represented in her own right and by her own representatives at all international conferences and peace conferences, if any, this Committee strongly recommends that the following steps be taken at once:—

All political prisoners and detenus be released immediately;

India should, by a Royal Proclamation, be declared an independent state and treated as a Dominion equal and in no way inferior to any other Dominion of the British Commonwealth of Nations, even though, pending the framing and coming into force of a new constitution, the Government of India may have to be conducted in conformity with the provisions of the Act of 1935 subject to minimum necessary modifications;

(*a*) The proclamations issued in several Provinces under Section 93 of the Act should be withdrawn forthwith and the Legislatures allowed to resume their normal activities

(*b*) Popular ministries should be re-established in those Provinces and allowed to function under the provisions of the Act

(*c*) In the formation of such ministries the Prime Minister representing the largest single party in the Legislature should be required, as far as possible, to include in the ministry persons commanding the confidence of other important parties in the Legislature.

In addition to the restoration of autonomy in all the Provinces of British India a National Government should replace the present Executive Council at the Centre. For this purpose the Committee would recommend for consideration the following two alternatives.

First alternative—

(*a*) Section five of the Government of India Act 1935 should be so amended as to provide for the issue of a proclamation by His Majesty bringing into being forthwith a federation on [of] India without insisting on the entry of Indian States as a condition precedent as provided in sub-section two of the said Section, Indian States being at liberty to accede to the federation in accordance with the terms of Section six of the Act.

(*b*) Part two of the Government of India Act 1935, with the proposed amendments should be brought into force and steps taken immediately to hold elections to the two houses of the Federal Legislature and to appoint a Council of Ministers in accordance with the provisions contained in that part.

Provided, however, that in the formation of such a Ministry the Prime Minister representing the largest single party in the Legislature shall, as far as possible, include in the Ministry persons commanding the confidence of other important parties in the Legislature.

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Second alternative—

Schedule nine of the Act may be continued in force but should be so amended as to provide for altering the constitution and functioning of the Governor General in Council on the following lines:—

(*a*) Except for the Commander in Chief who may continue to be ex officio a member of the Executive Council in charge of war operations and matter[s] ancillary thereto the entire Executive Council should consist of Indians commanding the confidence of the parties in the Central Legislature: the provision in sub-section three of Section 36 which requires that three at least of the members should be persons who have been in the service of the Crown in India for a period of at least ten years being repealed.

(*b*) No officials belonging to the permanent services shall be nominated to either house of the Central Legislature. The nominated block in each of the two houses shall consist entirely of non-officials nominated by the Governor General in Council.

(*c*) In the Ninth Schedule of the Act the provisions excluding from the control of the Legislature expenditure under the heads Ecclesiastical, External Affairs, Defence, Tribal Areas and other items, incurred by the Governor General in his discretion, shall be repealed.

(*d*) The political adviser to the Crown Representative should be an Indian with the rank and status of an Executive Councillor though he may not be a member of the Executive Council.

(*e*) The decision as to when the general elections to the Central and Provincial Legislatures should take place should be left to the National Government at the Centre and the popular Governments in the Provinces.

Resolution two. The Committee greatly appreciates your initiative in proceeding to London for the purpose as it believes of ending the present political deadlock in the country and trusts that the suggestions that it is now making will be of assistance to you and His Majesty's Government in solving the problem that faces you. The Committee is continuing its work".

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Mr Amery to Sir S. Cripps

L/PO/6/108c: f 248

2 April 1945

I have just received your draft Declaration.[1] I assume that you drafted it before seeing John Anderson's note[2] which makes the proposition more attractive from the Indian point of view, as the Governor General's powers would be of the same character as in the 1935 Act. He also proposes an Indian Minister for External Affairs, subject to some indefinite qualification, and I would agree with this, adding defence as soon as the war with Japan is over.

I cannot say that I like the Grand Council, as it seems to me that this body would serve no purpose except as an intermediate step. I should have thought it would be simpler—if we are to go in for the provincial basis of selection—if each province submitted two or three names; also it seems to me to involve a confusion of function and purpose with the Grand Council of All India, which is required to ensure co-ordination between British India and the States for the purposes of re-construction. My own preference at present would be for Wavell's informal method as the first step, to be followed after the new Legislature (as under the 1935 Act) has been elected, by election on Swiss lines. But I am open to conviction.

I confess that I also very much prefer the line in my draft,[3] viz., that the main declaration as to what we here mean to do, should be by H.M.G. in our own words, leaving it to Wavell simultaneously to announce in his own words that in the light of that declaration he proposes either:—

(*a*) to convene a small conference of party leaders; or
(*b*) to invite the Provincial Governments to make recommendations (after resuming office in Section 93 Provinces); or
(*c*) to invite the legislature to elect by proportional representation.

I am accordingly circulating to the Committee the original Draft Declaration I sent to you,[4] slightly amended so as to bring out more clearly Anderson's points as to the Governor General's position in order that they can more easily judge between the methods of publication.[5]

[1] No. 359. [2] No. 358. [3] See No. 362
[4] Mr Amery's original Draft Declaration is not on L/PO/6/108c.
[5] Mr Turnbull sent this letter unsigned to Sir S. Cripps' Private Secretary in view of Mr Amery's absence in the country. On 2 April he also sent a short note Mr Amery had written for Sir J. Anderson to the latter's Private Secretary together with a copy of the above letter. L/PO/6/108c.

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War Cabinet

India Committee. Paper I (45) 43

L/PO/6/108c: ff 250–2

DRAFT DECLARATION OF POLICY

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *2 April 1945*

The Draft Declaration circulated by the Minister of Aircraft Production[1] is one which he suggests should be made by the Viceroy on his return to India. It seems to me that that part of our policy which involves parliamentary action here should be embodied in a declaration by His Majesty's Government in Parliament, leaving it to the Viceroy simultaneously to announce it in India and at the same time to announce the method by which he proposes to carry it into effect as regards the selection of a new Executive, accompanying it by whatever he may think it suitable to add in his own words in explanation of H.M.G.'s policy. I accordingly attach a draft of the kind of statement which could be made on behalf of His Majesty's Government.

L. S. A.

Enclosure to No. 362

DRAFT DECLARATION

His Majesty's Government have viewed with increasing concern the continuance of the deadlock between the main communities and parties in India and the absence of any sign of progress towards an agreed solution for a permanent constitution.

They remain convinced that India can only attain to her due position as a free member of the British Commonwealth and of the world community of nations under an agreed constitution of her own devising. They abide by the Declaration of 1942 in its full scope and integrity, including those provisions which safeguard the independent decision of the Provinces as well as of the States as to adhesion. They still hope that, without undue delay, Indian statesmanship will arrive at the agreed permanent constitutional solution which is the common aim of all our peoples.

Meanwhile the war in Europe is rapidly drawing to a close. India herself is no longer menaced by Japanese invasion and the tide of war is receding from her shores. Immense tasks of resettlement and of social and economic reconstruction call for immediate and urgent action which cannot be postponed to the

[1] No. 359.

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settlement of the complex constitutional problem. It is essential that the best brains and strongest personal and political influences in India should co-operate in this task.

It was always intended when the Act of 1935 was framed that the establishment of Provincial self-government would be speedily followed by a very wide measure of Indian self-government at the Centre. This intention was frustrated, first of all by the reluctance of the States to accede in the stipulated numbers, and, secondly, by the fear of the great Muslim community that the provisions of the Act for the constitution of an Executive responsible to a parliamentary majority would put them permanently under Hindu government.

His Majesty's Government feel that these difficulties should not be allowed to stand any longer in the way of securing for British India the fullest measure of self-government—short of the final constitutional solution. They therefore propose, as an interim measure, and without prejudice to any of the conditions laid down in the Declaration of 1942, so to amend the existing Act as to enable all the powers contemplated under it, including the control of foreign policy —and of defence so soon as hostilities with Japan are concluded—to be exercised by an interim coalition Ministry composed of representatives of the different communities in agreed proportions, but not immediately responsible to a majority in the Legislature. His Excellency the Governor General has been authorised to enter into consultation with leaders of Indian opinion in the immediate future as to the best method by which such a Ministry should be chosen.

The special responsibilities and powers of the Governor General and his responsibility in respect of them to the Secretary of State and to parliament will, for this interim period, remain as laid down in the Federal provisions of the Act of 1935. In order, however, to make it clear that the ultimate authority of Parliament will in this connexion be exercised only in the interests of India, it is proposed to appoint, as in the Dominions, a United Kingdom High Commissioner to the Government of India for the purpose of representing the point of view and interests of the United Kingdom.

It is hoped that in the light of this declaration ministerial government may be resumed without delay in those Provinces which are at present administered under the provisions of Section 93.

It is intended that as soon as elections can conveniently be held, the Central Legislature for British India will be elected on the basis of the provisions of the Act of 1935.

His Excellency the Viceroy has also been authorised to invite leading representatives of the Centre, the Provinces and the States to form an Advisory All India Council in order to ensure co-operation and co-ordination for the important economic and social tasks of reconstruction.

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War Cabinet

India Committee. Paper I (45) 44

L/PO/6/108c: ff 253–4

NOTE BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *2 April 1945*

1. The Chancellor of the Exchequer's Note (I. (45) 42)[1] sets out with precision and simplicity an interim solution of the present Indian deadlock on substantially the same lines as in my Memorandum (I. (45) 39).[2]

2. A Council of Ministers is to be selected who are to enjoy all the powers assigned to Federal Ministers in the 1935 Act, and in addition, subject to safeguards, powers in regard to Foreign Affairs (and presumably in relation to Defence after hostilities cease).

3. The Ministry is to be a coalition in the proportions of 40:40 Caste Hindus and Moslems, and 20 other communities. It will presumably be, like the present Executive, responsible to the Governor General and not to the Legislature. That would be an essential condition for its acceptance by the Moslems, for otherwise it would always be at the mercy of the Hindu majority.

4. The Governor General would, in relation to the Ministry, occupy the position of a constitutional sovereign subject to special responsibilities and powers of the character of those conferred on him by the 1935 Act. His responsibility to the Secretary of State and to Parliament in regard to the exercise of these powers would remain unaffected. But in order to emphasise the fact that the ultimate control of Parliament is retained only as a check on arbitrary and irresponsible action, and not in the interests of the United Kingdom as such, a United Kingdom High Commissioner is to be appointed as in the Dominions, to represent those interests. As a correlative, Indian representatives abroad would have full diplomatic status, without the touch of unreality which at present attaches to such appointments.

5. Certain points, however, require further consideration. How are Ministers to be selected by the Viceroy? Lord Wavell has suggested the method of consultation with an informal conference of party leaders. The prospect of success of such a conference would undoubtedly be greatly increased if it were convened in the light of a declaration of policy as outlined above. For the invitation would be to positions of greater power and responsibility than those

[1] This should read I (45)41; i.e. No. 358. [2] No. 340.

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of the present Executive. Moreover, even if the solution is avowedly provisional, it would be regarded as likely to last at any rate through the initial stages of reconstruction.

6. An alternative would be to instruct the Viceroy to be guided in selecting such a Coalition Ministry, by ascertaining the views either of the Legislature or of the Provincial Governments as suggested in my memorandum (I. (45) 39).[3] The procedure for choosing a Ministry, not on the basis of numerical majority in the Legislature, but on that of the effective representation of all elements and parties, need not, I suggest, be a matter for legislation.

7. Either of these methods of appointment would probably be more acceptable both here and in India, as more democratic than selection from the nominees of party leaders. If either is adopted, it might be desirable to wait until an election permitted of the convening of the British Indian part of the 1935 Central Legislature. In that case the Viceroy's proposal might still be carried out as an interim way of making up the Ministry; or it might be simpler to retain the existing Executive for the time being, but with its powers enlarged as proposed.

8. There is the further question whether the Governor General should appoint one [of] his Minister[s] as Prime Minister, and be guided by his advice in the distribution of offices. I presume the Governor General would still normally preside at Council meetings, but that the Prime Minister would preside in his absence.

9. It would be the natural corollary of the above policy that Ministerial self-government should be restored in the Provinces now under Section 93 administration. But in view of our experience of the instability, intrigue, and consequent administrative inefficiency, shown in many Provinces I should strongly urge a revision of the Governors' Instrument of Instructions, authorising them to establish stable coalition Ministries on, in effect, Swiss lines.

10. The declaration of this policy could well be accompanied, as the Chancellor of the Exchequer suggests, by an announcement of the policy, already under consideration by the Chiefs of Staff, that all future entries into the Indian Army will be confined to Indian officers, British officers being seconded to it for so long as may be required.[4]

11. There could be a similar announcement of the intention to set up without delay an All India Grand Council. In order to avoid the suspicion that we were setting this up as the ultimate constitution making body it would be politic to emphasise it as set up in order to secure co-ordination and co-operation between British India and the States in the immediate tasks of economic

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and social reconstruction and possibly, also, of defence. Its influence on the ultimate solution would depend on its success in the immediate field.

L. S. A.

[3] [Note in original:] The Minister of Aircraft Production has suggested another variant: i.e. the formation of an Advisory Council drawn from the Provinces and the Centre from whose members the Viceroy would select three quarters of his Executive. This seems to me somewhat cumbrous and likely to lead to some confusion of purpose with the kind of grand Council of All India suggested by the Chancellor of the Exchequer (and earlier by the Statutory Commission) for general co-ordination between British India and the States pending an All India Federation.

[4] See No. 297.

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 12. *2 April 1945*

Since I wrote on the 27th March[1] I have not received a fresh letter from you but one may come in before this is posted.

2. I am afraid you received a spate of telegrams over the Easter week-end about Bengal. I am glad you agree that Section 93 was inevitable and that there is no immediate hurry to come out of it. It seems to me that there is ample justification for holding that no stable majority is at present in sight, and I think your telegram No. 7231[2] will remind Casey that it is better to stick to this as the reason for remaining in Section 93 rather than to urge points which are constitutionally less relevant such as corruption and inefficiency. Casey has repeated to you a telegram[3] asking for five Advisers and I have telegraphed[4] supporting him. At first I thought he should be content with four, but there are some grounds, which I have mentioned in my telegram, for allowing five as a special case in Bengal. Even if it were a marginal case I would be inclined to support Casey since he has a most unenviable task and should not be overruled on a comparatively minor point.

3. Casey has raised the question of elections in Bengal. Mudie and Thorne represented to me before Mudie left for England that elections for the Central Assembly and in Bengal might be a good thing. I am having the history of the matter examined, but while I have an open mind I think it is undesirable that

[1] No. 344. [2] No. 357. [3] 95 of 1 April. L/P&J/8/653: f 170.

[4] 623-S of 2 April in which Sir J. Colville said that: 'Although no Section 93 Province at present has more than four advisers I recommend that Casey's proposal for five be accepted in view of acuteness of Bengal's problems, size of population and political importance of producing results during Section 93 (? régime) in as short a time as possible.' *Ibid:* f 169.

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colour should be given to any rumours of early elections while your talks with Wavell are proceeding. Whatever the advantages may be of elections, there are clearly disadvantages as well. One point of view is that if these were permitted in Bengal or for the Central Assembly, it would soon be impossible to refuse them in any Province. If general elections were held all over India, Pakistan would be a vital issue, and in view of the possibility of early constitutional changes the elections would presumably be treated as of quite exceptional importance and be fought with the utmost vigour and bitterness. Communal antipathies might be accentuated, and at the end of the elections Congress and the Muslim League might be even further apart than they are now. Moreover general elections might strengthen and pull together the Muslim League especially in the Punjab where in another year (without general elections) wiser counsels than Pakistan might prevail. Finally there is the strain on the administration involved by elections though this alone could not be a decisive factor. Thus there are certainly two sides to the question, but I am awaiting any further reference from Casey before even asking you whether you think it advisable that I should consult Governors. My own inclination is to leave the election issue quite open for the time being.

4. You will have seen copies of the letters from Hallett[5] and Twynam[6] asking for instructions in the event of their being approached by would-be ministry makers. I have told them both to play for time as it is clear that we do not want any new commitments until the talks in London are completed.

5. The activities of the Congress are increasing daily and you will see that apart from the United Provinces and the Central Provinces, Rutherford's letter[7] shows that there are stirrings in Bihar, while from Bombay Knight has written me privately that "the Mayor was very anxious to pump me as to what my opinions were regarding the formation of a Ministry".

6. But the Congress are not the only people who are increasing the tempo of their activities in order not to be left behind by the end of the war in the west and the result of the discussions in London. The Sapru Committee's resolution appeared on Monday the 2nd,[8] and I telegraphed to you on Tuesday the 3rd[9] giving some comments and a statement of press reactions. I need not repeat my comments, but it is clear that the resolution does not get us much further, indeed it has drawn a furious badger in the form of Jinnah!

[Para. 7, on the Insurance Bill; and para. 8, on the Indian Mission which had visited London to discuss supply difficulties, omitted.]

9. The one point on which the Mission achieved nothing was of course food, and I have approved an official telegram from the Food Department setting out our urgent need of 50,000 tons of wheat before the end of May, and of imports at the rate of 110,000 tons per month from July in order to

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meet our minimum requirements. I am afraid we are back in the old fight for food, and I have no doubt that Wavell, who will have seen the Food Department telegram, will support you in a fresh campaign on our behalf. The official telegram discloses an anxious situation.[10]

[Para. 10, on negotiations with Sind over the purchase price of wheat; and para. 11, on cloth distribution problems, omitted.]

12. Gandhi is participating in the agitation about the Chimur and Ashti sentences and has also given a statement for the "National Week" celebrations in which he says, referring to the "constructive programme":—

> "Would that every lover of the freedom of India will remember these things during the week and bring freedom nearer than ever before without the Parliamentary programme and even without civil disobedience, unless the Government drive workers to it by talking of India's freedom without meaning it."

This is of course a typical piece of Gandhi drafting and no doubt we shall be treated to plenty more in the next few months. I see there is a press report that Gandhi, in pursuance of the agitation about the Chimur and Ashti sentences which I have mentioned, is drafting a resolution to be passed at meetings throughout the country in the immediate future.

13. There has been a certain amount of criticism in the press about my action in disallowing a resolution in the Assembly relating to the San Francisco Conference. A resolution in the Council of State on the same subject had been allowed. That resolution, as amended, recommended that Government should add an elected Member of at least each of the two major political parties to the delegation selected. There was not much harm in a debate in the Council of State, and in fact Government defeated the resolution. Matters were however different in the Assembly and the resolution was also quite different. It recommended that a delegation should be nominated in consultation with the Legislature in supersession of the selection already made. A debate on this resolution could have done nothing but harm, and would of course have been carried. Mudaliar and Firoz, and the Council as a whole, were naturally very much against the delegation being disowned, and I had no doubt that it was necessary

[5] No. 342. [6] L/P&J/5/194. [7] L/P&J/5/180. [8] See No. 360. [9] No. 365.

[10] As a result of G. of I., Food Dept tels. 3087 and 3088 of 1 and 2 April the India Office warned the Indian Foodgrain Requirements Committee of the general worsening of the Indian food situation but did not request any action on the longer-term position pending receipt of fuller details promised in the G. of I.'s telegram. It supported the demand for an immediate shipment of 50,000 tons (I.F.R.(45) 4 of 3 April 1945). The Committee accepted Lord Leathers' view that shipping difficulties made it impossible for him to promise more than to do his best to see that the current programme of shipments of wheat as flatting did not continue to fall below the agreed rate of 40,000 tons per month (I.F.R.(45) 2nd Meeting of 4 April). The Government of India was informed of this decision in telegram 8165 of 12 April. L/E/8/3326.

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to disallow the resolution in spite of the apparent inconsistency with the line taken about the resolution in the Council of State.

All goes well with us here, the weather has been cooler, a sudden drop of 15°! It won't last long!

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Sir J. Colville to Mr Amery

Telegram, L/P&J/8/511: f 43

IMMEDIATE NEW DELHI, *3 April 1945, 5.55 pm*
SECRET *Received: 3 April, 9.45 pm*

627–S. Reuters have telegraphed home text of Sapru Committee Resolution.[1] My comments are as follows:—

Paragraph No. 2. Proposal that India be declared Independent State or Dominion is clearly inconsistent with present constitution.

Paragraph No. 3. Implication that absence of Ministries in the Provinces is due to attitude of Governor General is, of course, false. Suggestion that new Ministries should be coalition Ministries goes little beyond Instrument of Instructions.

Paragraph No. 4. First alternative. Preliminaries required for bringing into force Part 2 of the Act even without provision relating to States would take time. Orders in Council have to be framed, (? electoral) rolls prepared and elections held. Delay would amount to eight months or even a year and this alternative seems too dilatory to achieve the purpose professed by Sapru Committee.

Second alternative. This does not vary greatly from interim part of Cripps offer except that Executive Council is implied to be responsible to Legislature which is quite different from having as members of Executive Council leaders of major political parties.

Clause (*b*). If interim government included political leaders, officials might be unnecessary in Assembly but would probably be required in Council of State.

Clause (*c*). There seems little point in making expenditure under head ecclesiastical etc. subject to control of Legislature while Governor-General retains power of certification.

Clause (*d*). In absence of settlement with States it would be most embarrassing to have to appoint Indian Political Adviser.

2. En clair telegram with immediately following number gives some Press reactions and extracts from Jinnah's (? strongly) adverse statement.

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3. It is clear that Sapru's resolution get(? s us) no further and may even have prejudiced chance of interim arrangement by provoking violent reaction from Jinnah. On the other hand Liaqat and others in League are known to favour acceptance of office and Pakistan is only a bargaining counter for Moslems in minority provinces where the League's strength lies. So (? Jinnah) may doubt whether he could prevent acceptance if reasonable offer of participation in interim government were made and this may explain violence of his reaction. Compare Holburn's interview with Rajagopalachari on which (? note) sent by Abell to Turnbull on 30th March.[2]

[1] See No. 360. [2] No. 354.

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Sir J. Colville to Mr Amery

Telegram, L/P&J/8/511: f 42

IMMEDIATE
EN CLAIR

NEW DELHI, *3 April 1945, 4.25 pm*
Received: 3 April, 3 pm

No. 628-S. *Hindustan Times* representing Congress view strongly supports Sapru Committee's resolution and says of alternatives in paragraph 4 the proposals are so moderate and reasonable that it should be easy for the British Government to accept either of the alternatives and thus terminate the unfortunate impasse. Muslim League paper *Dawn* carries contemptuous leading article and says the Sapru report seems to have forgotten the reason for its origin and prefers to flourish certain tattered proposals irrespective of the interests and claims of the Mussalmans; also some had fondly hoped that there would be some plan of conciliation between Hindus and Muslims but what has emerged is a lengthy cable to London. A third extract is as follows: The old ghost of a National Government at the centre and the restoration of Provincial autonomy in derelict Provinces are suggested but not after the holding of a general election to cleanse the atmosphere. Jinnah himself has come out with a very strong statement which Reuters are telegraphing home. He speaks of Committee as nothing but handmaids of the Congress playing to the tune of Mr. Gandhi and adds Muslim India will not accept any attempt to change the present constitution in any way which would directly or indirectly be on the basis of United India. The question of Pakistan is the first and foremost issue to be decided preliminary to any consideration of the framing of any future constitution.

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Minute by Mr Churchill

L/P&J/8/653: f 165

10 DOWNING STREET, *3 April 1945*

Reference: Summary of telegrams 93[1] of 30th March from Governor of Bengal to the Viceroy and 614–S[2] of 30th March from the Viceroy.

S. of S. for India.

I hope we take Casey's advice.

W.S.C.

[1] No. 352. [2] See No. 357, note 1.

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Brief for Mr Amery[1]

MSS.EUR.D.714/68

Undated

Secretary of State

Points for this afternoon's discussion

1. *Position of the members of the Governor-General's Executive Council in the Legislature.*

Sub-section 4, Section 63(e) of the 9th Schedule, provides that "every member of the Executive Council shall be *nominated* as a member of one chamber of the Indian Legislature and shall have the right of attending in and addressing the other chamber, but shall not be a member of both Chambers". In practice, the member in charge of a Department is nominated as a member of one House and the secretary as a member of the other. They form part of the nominated official bloc. My recollection is that when one of the new Indian members of the Executive was already an elected member of the Legislature he had to resign his seat on becoming an official and be nominated to one of the official seats.

The Chancellor of the Exchequer proposes that under his plan[2] the members of the Executive should be called Ministers. It seems questionable whether, unless they are to be drawn from the elected members of the Legislature, it is desirable to give them this new title. It will have to be decided, however, whether the Executive Councillors are to be (a) officials holding seats in the nominated official bloc in the existing Assembly, or (b) officials who are not members of either chamber of the Legislature, but who have the right to speak

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in either chamber, as under the existing system, or (c) be drawn exclusively from among the members of the Legislature reconstituted in accordance with the 1935 Act under which there is of course no official bloc.

2. The Chancellor in paragraph 7(iv) of his note proposes that external affairs should cease to be a wholly reserved subject and should be put in charge of an Indian, subject to safeguards. I take this to mean that the Governor-General would be given a special responsibility similar to those in Section 12 of the Act to cover external relations.

This would have considerable repercussions on the existing practice in regard to relations with Afghanistan and Nepal. Both are theoretically in direct diplomatic relations with H.M.G., but in practice the Government of India conduct relations with Afghanistan and Nepal and pay for the cost of the diplomatic staff in those countries. The Ministers are drawn from the Indian Service. This arrangement is convenient and so long as external affairs is in the Viceroy's charge the Foreign Office provide the Viceroy with the necessary background material for the conduct of H.M.G.'s relations with these two countries. If external affairs were put in charge of an Indian, even subject to safeguards, the Foreign Office would probably decline to continue this arrangement and we should have to arrange for H.M.G. to finance the Legations in Kabul and Katmandu, India having separate representation. The Foreign Office views ought to be obtained about this before a decision is taken.

3. *The Grand Council of India.* The Chancellor's idea is that this should be elected in part by members of the provincial legislatures by proportional representation and include representatives of the Princes, with perhaps a further small nominated element. Sir S. Cripps in his draft Declaration[3] proposes that the provincial appointments should be made by Governors in consultation with party leaders (i.e. presumably in the province) and from a Central Legislature by the Governor-General in consultation with the party leaders there. This proposal does not meet the Chancellor's point, which I understand to be that some means must be found of giving a representative character to the Executive, so that it has roots somewhere in elected institutions. I think we may expect the Viceroy's view to be that a Council of this sort would not be likely to include people of the right calibre to hold the portfolios in the Executive. It would obviously provide an easy means for sabotaging the plan if the Congress wished to do so, as they could ensure that the people elected to it as their representatives were men of straw, who, on taking office, would be wholly subject to instructions of the caucus.

[1] The authorship of this brief is not given in MSS. EUR. D. 714/68. It is assumed the brief was prepared for the India Committee's meeting of 3 April (see No. 369), although it may have been prepared for an internal India Office discussion.

[2] See No. 358. [3] No. 359.

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4. *The Governor General's powers under the 1935 Act.*

It seems clear that these would need to be fortified

(1) by adding a special responsibility for foreign affairs;

(2) by adding a special responsibility for matters essential to the conduct of the war, e.g. military supply, food, communications and transport;

(3) by the addition of powers to enact legislation on the advice of the Executive when the Legislature refuses to do so, on the lines of Section 67(b) of the 9th Schedule. This might be an "individual judgment" function, i.e. the Governor General would receive the advice of the Executive, but would not be bound to act in accordance with it. It might be provided that he cannot enact such legislation, except with the advice of the majority of his Executive, except where his special responsibility and discretionary functions are involved. Power for these purposes already exists in section 43 and 44 if brought into operation.

If the Committee decide in favour of the Chancellor's scheme it seems very essential that it should be remitted for technical examination in which Parliamentary Counsel ought to participate. In particular, the suggestion that there should be an expansion of the Concurrent List but no concurrent executive responsibility, needs closer consideration and a careful review would have to be made of the Governor General's powers under the Federal sections of the Act to see that they would be workable under the new set up.

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War Cabinet

India Committee. I (45) 16th Meeting

L/PO/6/108c: ff 236–44

Those present at this Meeting held at 11 Downing Street, S.W.1, on 3 April 1945 at 3 pm were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel; Sir Gilbert Laithwaite (Secretary)

THE COMMITTEE had before them memoranda by the Chancellor of the Exchequer (I. (45) 41),[1] the Minister of Aircraft Production (I. (45) 42),[2] and the Secretary of State for India (I. (45) 43 and 44).[3]

Chancellor of the Exchequer's Proposals

SIR JOHN ANDERSON said that his memorandum (I. (45) 41) represented an attempt on his part to meet the wishes of the Committee that he should lay

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before them a concrete scheme. In preparing his scheme he had aimed at preserving *Parliamentary responsibility* by retaining the Viceroy's subordination in the discretionary field to the Secretary of State, and the Secretary of State's responsibility to Parliament, while at the same time securing some truly democratic element in the local executive. The scheme he had put forward would ensure that a large part of the central executive rested ultimately more or less directly on an elected basis.

As regards his proposal for a *Council of Ministers* he thought it essential now to replace the present Executive Council of officials by a Council of Ministers such as had been contemplated in the Act of 1935. At present executive authority was vested in the Governor-General in Council, and all governmental Acts were authorised by the Governor-General and the member of the Council in whose portfolio the matter fell. He contemplated, very broadly speaking, replacing this arrangement by a government on the model of the Act of 1935, where executive authority was delegated by the Crown to the Governor-General to act on the advice of a Council of Ministers, subject to his special responsibilities, with regard to which he would act in his individual judgement or in his discretion. In "individual judgment" cases he would act on the advice of his Ministers: in "discretion" cases in his own discretion subject to his general responsibility to the Secretary of State and Parliament. Ministers would be appointed by the Governor-General and not by the Crown: and in making his selection the Governor-General would do so in his discretion, and not necessarily after reference to the Secretary of State, though because his choice was in his discretion he would be responsible to the Secretary of State. The Act of 1935 had been at pains to ensure that at every point there was responsibility to some selected [?elected] body or Legislature. *The Governor-General would normally preside* at the meetings of his Council of Ministers, though it would be open to him to designate an individual member of that body who could take the Chair in his unavoidable absence. There was, of course, the possibility that, over a period of time, matters might move in the direction of the Governor-General ceasing normally to preside in person.

The *communal composition of the new Council of Ministers* should he thought be regulated by statute just as the communal composition of the central and provincial Legislatures was regulated by Schedules to the Act of 1935. It could be an instruction to the Governor-General either in the Statute, or in the Instrument of Instructions which it would be necessary to give him, that he should choose ministers in his discretion so as to give the fairest representation to the main elements in India's national life and that he should draw that representation from the two principal communities in the proportions prescribed by the Statute. He was open to argument as to the precise figure of 4/10ths Hindu, 4/10ths Moslem, 2/19ths [?2/10ths] others which he had very tentatively

[1] No. 358. [2] No. 359. [3] Nos. 362 and 363.

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suggested in I. (45) 41, but he thought there was great virtue in its being fixed by statute.

The *Council of Ministers should*, in his view, *be wholly composed of Indians*, with the exception of course of the Viceroy, and of such special consideration as might have to be given to the *position of the Commander-in-Chief*. He had not yet reached a firm conclusion as to whether the Commander-in-Chief should be a War member of the Council of Ministers, or a Counsellor of the type contemplated by the Act of 1935. We might have to provide that he should be present at the Council of Ministers whenever his responsibilities were affected by any matter under discussion by them; it was arguable, too, that during the war his special position should be preserved. He would himself, on the whole, prefer to make special provision for the inclusion of the Commander-in-Chief in the Council, though he recognised that to do so would involve the risk of raising in Parliament and in India the whole defence issue with all that that involved.

He thought it was premature to consider any change in the responsibility for *defence*. That point would be sufficiently met by the announcement of progressive Indianisation on a scale never hitherto contemplated.

He thought on the whole that the risks involved in placing *External Affairs* wholly within the purview of the Council of Ministers might be taken, so long as the Governor-General was given a special responsibility in the matter, and was entitled to intervene when the adoption of a policy likely, e.g. to involve serious conflict with a foreign country was proposed. Inter-Empire relations were already within the responsibility of the Council and in the portfolio of a Member: and a commercial treaty with a foreign country would, he thought, normally be a matter for the Council. We were in practice today allowing India to figure in international discussions, and there was the risk that unless we regularised the position we should have trouble either with India herself or with other countries with whom we were permitting these discussions to take place.

He did not contemplate extending the *legislative list*. He disagreed with the view that had been expressed that provincial executive and central executive responsibility might overlap. His experience in India had convinced him that we should never get an effective administration without a sharp distinction between the executive responsibility of the provinces and the centre.

Finally, the proposals for a *Grand Council of India* in paragraph 11 of his Memorandum had a double object. On the one hand he sought to give the Viceroy a method of finding representative Indians to form the proposed Council of Ministers. It was important to leave some little latitude, by providing for nomination to the Grand Council, to ensure its generally representative character. He felt however that the composition of the Grand Council would probably require further discussion locally in India. He was however averse from consulting the party leaders as to the choice of the new Ministers.

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The really important thing was to get some contact between the persons selected to be Ministers and the electorate, and he thought selection on the basis he had proposed was probably in practice the best method of securing this.

Secondly, he had tried to provide a platform for the discussion of matters affecting India as a whole by all the main elements in India's national life including the Princes. He agreed with the Minister of Education that it would be very unfortunate if in our search for a provisional solution we were to drop the idea of a unitary India, to include the States and the Princes.

In conclusion, he remained very uneasy at the Viceroy's proposals, which he regarded as potentially very dangerous; and he attached the greatest importance to doing whatever it might be decided to do in the most clear and open way, and to showing any new relationship in precise and unmistakable language. We must avoid moving unconsciously into a position which might result in disastrous misunderstanding with India and with the Indian Services. It was for that reason that despite the practical disadvantages of legislation, he favoured the making of any changes by legislation which could of course be supplemented as necessary by statements in India by the Governor-General.

SIR STAFFORD CRIPPS expressed his general agreement with the Chancellor of the Exchequer's proposals in I. (45) 41. While accepting the arguments for legislation, he thought the narrower the limits within which legislation could be confined the better. Much of what was involved could be arranged without a Bill, by rules under the Act or otherwise; and he felt that Sir John Anderson's purpose would essentially be met by the introduction of legislation on even a small scale, as a preliminary to the changes proposed.

His own draft of a statement by the Governor-General (I. (45) 42) had been designed primarily to set out in some detail the various points which it would be necessary to make in putting the case to India. He quite accepted that as suggested by the Secretary of State for India in I. (45) 43 there would have to be a statement here.

In paragraphs 18 and 19 of his draft statement he had included tentative suggestions for the composition of the Grand Council and the selection of the Council of Ministers. These differed from those put forward by the Chancellor of the Exchequer, but were primarily designed to focus discussion. He felt that indirect election might result in the return of backbenchers of indifferent quality, and regarded it as essential that the Grand Council should contain people of the best available quality.

MR. ATTLEE said that the Chancellor of the Exchequer's scheme attracted him particularly because it ultimately rested on election. There was too great a tendency to consider the Indian problem in terms of Gandhi and Jinnah. He felt that Sir Stafford Cripps' figure of four members to be selected from the

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centre was too small. There might, he agreed, be more talent in the provinces, but too small a figure for the centre might give difficulty in fitting in the minorities, particularly in the case of the depressed classes.

LORD SIMON said that he was still very uneasy about the Viceroy's proposals. While accepting that the Chancellor of the Exchequer's scheme was a great improvement, he found great difficulty in reaching a conclusion. Was the case for any change established? Were we not allowing ourselves to be unduly moved by our reluctance to let Lord Wavell return to India empty-handed?

Whatever the decision, we must be perfectly clear, particularly if there was to be legislation, as to what we wanted to do. Would the Council include the Viceroy? or was the Viceroy to be the Chief Executive with a Council of Ministers to assist him? or were we providing for a Council of Ministers with the Viceroy taking a new constitutional position analogous to that of the Governor-General of a Dominion? If, as had been suggested by the Chancellor of the Exchequer, the Council of Ministers was to be entirely Indian with the Commander-in-Chief enjoying a special position, there could be no question but that this was a change properly to be classed as constitutional, and we should have to reconcile that with the numerous statements that had been made that no constitutional change was in view. He accepted that the difficulty in the existing Council might be due to the prospect of our disappearing as a balancing influence and leaving power in the hands of Indians in proportions unacceptable to the various communities. The difficulties were not racial in the sense that they arose from a feeling that there were too few Hindus or Muslims in the Council. They resulted from the existence of two sharply opposed races, in unequal proportions.

MR. BUTLER said he did not differ greatly from the Chancellor of the Exchequer's views and proposals. But he must make it clear, given his own association with the Act of 1935, that what was now in view could not be regarded as a fulfilment of the intentions of that Act. In a large number of important respects we were now proposing to break away from, or materially to modify, the scheme of the Act.

The Ninth Schedule to that Act contained the provisions of the Act of 1919 to be continued in force with amendments until the establishment of the Federation.

He would himself now prefer to proceed by way of amendment of the Ninth Schedule rather than by amendment of the Act itself; to confine any legislation to the minimum possible, and to do what was practicable by Rules under the Act or in the Governor-General's Instrument of Instructions. We might, e.g. be able by provision in the Instrument of Instructions to make the changes now in view in respect of the control of External Affairs. The effect

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would be to leave the interim provisions of the Act on the Statute book with the minimum of amendment.

SIR JOHN ANDERSON said that he had never suggested that his proposals were designed to the fulfilling of the Act of 1935. The provisions in the Ninth Schedule of that Act had been contemplated as purely transitional. There was an essential incompatibility between a purely reasonable [?responsible] Government in the Provinces and a bureaucratic form, invested with responsibility for co-ordination, at the Centre. He wanted in that respect to get away from the Act of 1935 and, without in any way prejudicing the ultimate constitutional arrangement, to introduce the best alternative to it for the Centre, consistent with full provincial autonomy, that could be devised. He was anxious to have at the Centre persons serving in a representative capacity, free to speak in public on policy, which could not be done by the present Executive Councillors who were technically officials, appointed by the Crown, without risking an infringement of the Government Servants Conduct Act.

MR. AMERY thought the Chancellor of the Exchequer's proposals were sound in general principle and preferable to a vague arrangement with party leaders. They gave wider powers to the Governor-General's Council than they had today. In addition they provided for the basing of the Council on a constitutional process of election by elected bodies. While the powers left to the Viceroy would remain, as at present, subject to the control of the Secretary of State, the scheme ensured that the ultimate authority of Parliament would be exercised only in the interests of India by the appointment of a United Kingdom High Commissioner to represent the interests of the United Kingdom. He thought that the Chancellor of the Exchequer was right in desiring the changes to be effected by legislation, in the interest of making both India and the House of Commons feel that a constitutional advance on the present position at the Centre was in fact taking place.

Mr. Amery added that he would wish to make the following points:—

(i) He agreed with the Chancellor of the Exchequer that external affairs should go into the purview of Indian Ministers and would himself favour a similar arrangement in the case of defence. This should be accompanied by some expansion of the Viceroy's responsibility as regards external affairs. If, however, defence were to be transferred during wartime, arrangements would have to be made to bring the Viceroy in on it.

(ii) The present constitution gave wide powers to the Viceroy in regard to the certifying of budgets, legislation, etc., which were not covered by the provision for his special responsibilities under the Act of 1935. If the new Council was not to be responsible to the Legislature, those special powers which were now provided in the Ninth Schedule

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would have to be continued to the Viceroy, though to be exercised on the advice of Ministers.

(iii) He agreed that the Governor-General should select a Deputy Chairman of his Council whom he, the Secretary of State, thought should also be Prime Minister. It would be in the spirit of what was proposed that the Viceroy should, in that event, discuss with the Prime Minister, when appointed, the distribution of offices. He realised, however, that that was not a matter on which the decision could be left wholly to the Prime Minister, given the intensity of communal feeling.

(iv) The instructions to the Governor-General should provide that he should continue to support Ministers irrespective of adverse votes in the Legislature, or else no Ministry would be secure and the Moslems would not co-operate. The stability of the Executive was essential—it must not be at the mercy of passing defeats.

SIR STAFFORD CRIPPS suggested, and the Committee agreed, that there was no need to mention this point. MR. ATTLEE remarked that the essential was that the Viceroy should have the powers necessary to get his budget through.

(v) As regards the Grand Council of India, he thought it important not to risk any confusion between the function of such a body in helping to select the Viceroy's Executive and an Advisory Council of the type that had been contemplated by the Simon Commission to handle future policy, reconstruction, etc.

(vi) Should we on the introduction of the new scheme arrange for immediate elections to the provincial and central Legislature, or should we go ahead in advance of such elections? In the provinces, was he right in thinking that the Section 93 Governments would come to an end once the new scheme was introduced?

MR. ATTLEE said that the proposal before the Committee was for an executive Council at the centre based on recommendations by provincial bodies. We had still to see whether Congress in fact would co-operate on the basis of the type of scheme that was in view.

SIR STAFFORD CRIPPS said that it was important to be quite clear that if Congress did not accept the scheme put forward, that scheme would be dropped and we would go no further with it.

(vii) We should have to face up to the question of releasing the Congress prisoners.

LORD SIMON said that Mr. Amery's statement seemed to him a very substantial extension of the Chancellor of the Exchequer's scheme. He was greatly alarmed by the Secretary of State's suggestion that there should be an Indian Prime Minister, which would raise very deep constitutional issues. Would a

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Prime Minister be responsible for recommending his colleagues to the Viceroy? What would happen if he wished to dispense with a particular Indian Minister? Were the communities likely to accept the idea of a Prime Minister from the opposite community? To provide for someone to take the chair in the unavoidable absence or illness of the Viceroy, was a very different thing from the establishment of a Prime Minister.

While he regarded the Chancellor of the Exchequer's scheme as a vast improvement on the Viceroy's, he was not satisfied as to the case for action, or that the scheme would have so easy a passage [? as] was hoped. Had we not said that there could be no constitutional change during the war? Again, Sir Stafford Cripps' announcement of 1942 that Indians would be associated on a different basis with the Government of the country at the centre, had been on the understanding that that would be immediately followed by the devising of a constitution by Indians themselves. Were we not now modifying that undertaking?

SIR JOHN ANDERSON said that he had never contemplated that there should be a Prime Minister at the centre, or that any provision should be made save for the chair to be taken in the unavoidable absence of the Governor-General. The Act of 1935 contained no provision for Prime Ministers nor were they referred to in the Instrument of Instructions to provincial Governors.

SIR STAFFORD CRIPPS agreed that it was unnecessary and undesirable to make provision for a Prime Minister.

As regards the Lord Chancellor's first point, what he had said was that the extensive legislation required for a new constitution would be impossible during the war. A constitutional change which involved no more than an adaptation of the Ninth Schedule of the Act of 1935 was a very different proposition. The position as regards the Lord Chancellor's second point was as stated by him. We had now gone a step further.

MR. AMERY inquired whether it would be a good thing, as he had suggested in paragraph 7 of his memorandum (I. (45) 44) to bring the British-Indian portion of the central Legislature of the Act of 1935 into existence when the next election took place. If so, consideration would have to be given to the position of members of the Executive Council who at present, on appointment to that body, vacated any elected seat that they might hold and became nominated members. There were, however, no nominated members in the Legislature provided for by the Act of 1935 and, as a result, Executive Councillors would not be actually members of the Legislature though they would have the right to speak in it.

MR. BUTLER said that the Secretary of State's proposal to appoint the British-Indian section of the Federal Legislature without bringing in the

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Princely element provided for by the Act of 1935, would be contrary to the whole basis of that legislation, though he agreed that the situation today was not parallel, to the extent that it was not proposed to give full responsibility to Ministers, and that the absence of the stabilising effect which the Princes were intended to exert was thus less material.

He was himself very nervous about responsibility at the centre in British India, and would welcome it if in putting forward our plan a way round that could be found.

As regards the Legislature, he was uneasy at the suggestion in paragraph 8 of the Chancellor of the Exchequer's plan (I. (45) 41) that probably no change need be made at present in the constitution of the central Legislature. While he accepted that all legislation would have to go before the central Legislature and that it would exercise legislative functions, we risked a situation in which there would be a central Legislature with very little to do and very jealous of the Grand Council, more especially if Ministers were chosen from that body and if Ministers were not finally responsible to the Legislature.

MR. ATTLEE said that we must be clear where we were going. Like other members of the Committee, he disliked the Viceroy's suggestions for informal conversations with party leaders, which might well carry us farther than we wished. He thought the general sense of the Committee was in favour of the scheme put forward by the Chancellor of the Exchequer in I. (45) 41 as explained by him in the discussion; and that equally their general sense was against accepting the modifications or refinements on that scheme that had been put forward by the Secretary of State.

As regards the probable reaction of Parliament, something would turn on the presentation of the scheme. The Chancellor of the Exchequer had not rejected the suggestion that the primary legislation might be confined to the amendment of the Ninth Schedule of the Act of 1935. His own view was that if we could introduce a very limited enactment, altering the Ninth Schedule, difficulty need not be anticipated.

In presenting the case we should restate and reaffirm the Cripps offer, refer to India's failure to take advantage of it, touch on our hopes, which had been disappointed, that something might come out of the Sapru Enquiry and the conversations between Gandhi and Jinnah, say that His Majesty's Government were reproached with doing nothing to ease the position; that they are anxious to take such action to meet it as would get the widest measure of support; that they saw no hope in present circumstances of Indians finding the solution for themselves but hoped that if they could be got together in an interim Government on a party basis, better results might follow. Thereafter we could emphasise, on the lines of paragraph 6 of the Chancellor of the Exchequer's paper (I. (45) 41), the importance of devising a provisional constitution at the Centre

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which would be consistent with full provincial autonomy and would not prejudice the ultimate development of full responsible Government at the Centre; explain that we proposed to substitute for the present bureaucratic Executive Council a Council of Ministers based on an electoral college of elected persons from which the Viceroy would make his selection; that immediate action would be taken without waiting for elections either in the provinces or in the centre; and that we were not attempting to set up a Parliament on the same lines as the Parliamentary system in this country, but to ease India's task in arranging to work out a constitution for herself.

After further discussion, THE LORD PRESIDENT suggested, and the Committee agreed, that he should now report to the Prime Minister that the general sense of the Committee was in favour of action on the lines set out by the Chancellor of the Exchequer in I. (45) 41, as amplified by him in discussion, and that there would be advantage in their discussing with Lord Wavell on that basis as an alternative to the Viceroy's scheme.

If the Prime Minister approved action on those lines, it would be necessary to let Lord Wavell have an objective statement of the Chancellor of the Exchequer's proposals, as amplified in the present discussion. The India Office should also prepare a statement showing on the basis of the Chancellor of the Exchequer's proposals how much must be done by legislation, how much could be done in the Instrument of Instructions, and how much appropriately by rules under the Act.

THE SECRETARY OF STATE FOR INDIA undertook to make the necessary arrangements.

The Committee adjourned until 9.30 a.m. on Thursday, 5th April, at No. 11 Downing Street.

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India Committee. Paper I (45) 46

L/PO/6/108c: ff 228–35

RESOLUTIONS OF THE SAPRU COMMITTEE

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *4 April 1945*

I circulate for the information of the Committee a telegram from Sir Tej Bahadur Sapru to Lord Wavell giving the text of resolutions passed by the Committee.

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I also circulate a telegram from the Acting Viceroy giving his comments on the resolutions, with which I am in agreement.

I circulate the text of a Statement made by Mr. Jinnah on the Sapru Committee's resolutions which has been received through Reuter.

L. S. A.

Annex 1 to No. 370

[*There follows the text of No. 360.*]

Annex 2 to No. 370

[*There follows the text of No. 365.*]

Annex 3 to No. 370[1]

[*There follows the text of No. 366.*]

Annex 4 to No. 370

STATEMENT BY MR. M. A. JINNAH, PRESIDENT, ALL-INDIA MUSLIM LEAGUE, ON SIR TEJ BAHADUR SAPRU'S CABLE TO LORD WAVELL

"My attention has been drawn to a press report of the cable sent by the so-called Sapru Conciliation Committee to Lord Wavell, who is now in London. Sir Tej Bahadur Sapru and his associates have been passing themselves off under different labels from time to time, first as an 'All-Party Conference', then as a 'No-Party Conference', and now they have assumed the label of a 'Conciliation Committee'. They are nothing but handmaids of the Congress Party, and have played and are playing to the tune of Mr. Gandhi. Their pompous and pious profession that they are a detached and independent body of men is utterly false, and this is clear from their previous activities and resolutions and from the character and nature of the present resolution which they have passed, conveying their proposals to Lord Wavell.

"Two alternatives are offered. If either of them is accepted, Muslim aspirations and their national demand of Pakistan would be torpedoed by this subtle outflanking movement. Muslim India will not accept any attempt to change the present Constitution in any way which would, directly or indirectly, be on the basis of a united India.

"The question of Pakistan is the first and foremost issue to be decided, preliminary to any consideration or the framing of any future Constitution. Any attempt to militate against, prejudice or torpedo the Pakistan demand directly or indirectly, if countenanced by the British Government, will be at

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the sacrifice and betrayal of the hundred million Muslims of this land. I am confident that having regard to the solemn declarations of His Majesty's Government, and the pledges and assurances given to the Muslims, they will not go back, as an honourable nation, and coerce the Muslims or force or impose upon them a Constitution against their will and without their approval and consent. If the British Government are stampeded into any departure from or reversal of their declared policy by some undue pressure, which I do hope will not be the case, I should be failing in my duty, having regard to the temper, determination, and deep feelings of Muslim India regarding this issue, if I did not draw the attention of Britain to the disastrous consequences it might lead to, for which the British Government alone would be responsible."

[1] Not mentioned in covering Memorandum.

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India Committee. Paper I (45) 47

L/PO/6/108c: ff 222–3

SUMMARY OF COMMITTEE'S PROPOSALS FOR DISCUSSION WITH LORD WAVELL

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *4 April 1945*

1. His Majesty's Government should renew the 1942 Draft Declaration in the most explicit terms.

2. It should be made plain that failing agreement among Indians it would be impossible for His Majesty's Government to devise and to impose a new constitution giving India full self-government which His Majesty's Government themselves would have to implement.

3. The immediate problem before His Majesty's Government is to devise provisional changes in the constitution for the Centre which will be consistent with full provincial autonomy and will not prejudice the ultimate development of full responsible government at the Centre. The solution of this problem might take the following form:—

(*a*) Transfer by the Crown of executive authority from the Governor General in Council to the Governor General who would act on the

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advice of a Council of Ministers in replacement of the present Executive Council. The Ministers would be selected and appointed by the Governor General. They would all be Indians; but a special arrangement might have to be made in respect of the Commander-in-Chief.

(*b*) Ministers to hold office at the pleasure of the Governor General. Provision to be made by statute that at least 40% of the Council should consist of caste Hindus and at least 40% of Moslems.

(*c*) Governor General's special powers under the IXth Schedule to be abrogated and replaced by discretionary powers and special responsibilities of the kind provided in Part II of the 1935 Act, with the modification that external affairs would not (subject to suitable safeguards say in the form of a new special responsibility) be wholly reserved.

(*d*) The Council of Ministers, over which the Governor General would except in case of unavoidable absence preside, to be responsible to the Governor General and not to the Legislature.

(*e*) Subject to the above the present powers and responsibilities of the Governor General, the Secretary of State and Parliament to remain unchanged.

(*f*) No change to be made in the present constitution of the Central Legislature.

(*g*) Some further transfer of subjects to the Provincial field with some extension of the concurrent legislative list (but no concurrence of executive powers save in grave emergency).

(*h*) Establishment (by administrative action) of a Grand Council of India, for the discussion of matters of interest to India as a whole; to include

(i) members elected by members of Provincial Legislatures by Proportional Representation;

(ii) representatives of the States; and possibly

(iii) a small number nominated by the Governor General.

(*i*) The members of the Grand Council, which would thus be mainly an elected body, to serve as a panel from which the Governor General should be instructed normally to select his Ministers.

(*j*) Provision to be made for the appointment of a United Kingdom High Commissioner.

L. S. A.

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India Committee. Paper I (45) 48

L/PO/6/108c: ff 224–6

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *4 April 1945*

I circulate a note by my officials which examines the legislative and other provision necessary to give effect to the proposals which the Committee has had under discussion.

L.S.A.

NOTE ON THE MACHINERY FOR GIVING EFFECT TO THE COMMITTEE'S PROPOSALS

A. Legislation

The Ninth Schedule consists of certain sections of the Government of India Act, 1919, amended only in certain minor respects to bring them into line with the provisions of the Act of 1935. The Secretary of State is advised that there can be no question of incorporating in the Schedule amended for the purpose all the new legislative provisions which will be required, inasmuch as the Schedule is that portion of the Government of India Act, 1919, that continues to have effect *ad interim* by virtue of Section 317 of the Act. The operation of sections 36 to 43 of the Schedule will have of course to be discontinued, and many of the other sections materially amended, in order to correct the present references to the "Governor General in Council" and to adjust other sections to accord with the new constitutional provisions proposed by the Chancellor. These would have to be incorporated in Part XIII of the Act ("Transitional Provisions") and would consist of several sections reproducing the substance of Chapter II of Part II of the Act relating to the Federal Executive, i.e. Sections 7 to 17, amended and adapted to conform to what is now proposed (e.g. by the removal of "External Affairs" from the discretionary to the ministerial field and by a consequential addition to the Governor General's responsibilities discharged in his individual judgment). The whole of the rest of the 1935 Act now in operation, including the Schedules, would of course require very careful scrutiny to ensure that all necessary adaptations to accord with the new provisions are incorporated; and this may necessitate a series of detailed amendments. The essential provisions of the new measure will thus take the form of a revised Part XIII of the Act; it will probably be of substantial length, since it should be so framed as to give a self-contained picture of the new Central Executive.

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With regard to the exclusion of "External Affairs" from the Governor General's discretionary field, it will be appreciated that the proposal to transfer external affairs to the ministerial field will not in itself result in the regularisation of the existing position contemplated by the Chancellor of the Exchequer; for there will still be no legal basis for a Council of Ministers of *British* India to act in respect of the external relations of the Indian States.

The appointment of a United Kingdom High Commissioner is not an integral part of the proposals for the reconstitution of the Central Executive; and there does not appear to be any need to make legislative provision for it. (Convenient though the appointment of a U.K. High Commissioner would appear to be in certain connexions, it is difficult to see how the exercise of his functions could fail to clash with that of the Governor General so long as the latter is amenable to instructions from His Majesty's Government; and it is possible that a similar overlap of authority might occur *vis-à-vis* the Crown Representative).

With regard to the proposed Grand Council, a separate section in the "Transitional Provisions" (Part XIII) of the Act would seem to be required in order to give the Governor General statutory authority to prescribe rules (which would have to be binding on the Provinces) for its composition.

Legislation as contemplated above is required therefore

(1) to regulate the exercise of executive authority, viz. by the Governor General aided and advised by a council of ministers;
(2) to regulate the communal proportions of the Council;
(3) to define the special responsibilities conferred on the Governor General;
(4) to bring external affairs within the field in which the Ministers advise the Governor General;
(5) to amend the Seventh Schedule for the transfer of subjects from List I to Lists II or III. (*N.B.* It would hardly be possible to frame these amendments without prior consultation of the Provincial Governments);
(6) to provide for the establishment of a Grand Council of India.

B. Instructions to the Governor General

The draft Instructions (which would require to be laid before Parliament for approval) would include directions that the Governor General should normally select his Ministers from the panel of persons composing the membership of the Grand Council (this would leave it open to him to select if he wished a representative of the States) and that his selection should be governed by the purpose of ensuring within the prescribed communal proportions, as fair representation as practicable of the main elements in India's national life: they would also have to contain many of the Instructions which found a place in the draft Instrument previously presented for illustrative purposes to Parliament in February 1935 (Cmd. 4805).

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C. Rules, Orders in Council, etc.

The new provisions of the Act would presumably be left to be brought into force on a date prescribed by His Majesty in Council. The Governor General would be empowered to make rules for the transaction of executive business, and for regulating the methods of appointment to the Grand Council. But there seems little else that could properly be left to be done by Order or Rule.

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India Committee. Paper I (45) 49

L/PO/6/108c: f 227

MEMORANDUM BY THE MINISTER OF AIRCRAFT PRODUCTION

MINISTRY OF AIRCRAFT PRODUCTION, MILLBANK, S.W.I,
4 April 1945

I attach an extract from a letter just received from a friend of mine in the Royal Air Force who is on a committee concerned with the future Air Defence of India. He is a very level headed man and his observations are as a rule reliable. It may interest the Committee to have his view of Mr. Bhulabhai Desai's attitude. I have sent a copy to the Viceroy.

R.S.C.

Enclosure to No. 373

A line to let you know we had a two hours talk yesterday with Mr. Bhulabhai Desai, the leader of the Opposition. Of the many non-officials we have interviewed, he is by far the most intelligent, logical and truthful. And, although he said many things many of us do not like, I feel sure that at heart he is, or wants to be, a friend of England. He said that he had just written to you saying that if you really meant the terms you offered, now if ever is the time to implement them. I gathered that Congress would accept them now if, somehow, we could save their face.

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War Cabinet

War Cabinet Paper W.P.(45)218

L/P&J/8/653: f 164

Recent Ministerial Changes in Certain Indian Provinces

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, 5 *April 1945*

I append, for the information of my colleagues, a note on the ministerial changes which have recently taken place in four of the Indian Provinces. The downfall of two Moslem League ministries, and the dependence of a third for its continued existence on Congress support, must amount to a substantial blow to the prestige of the Moslem League. It is not possible to say that the action of Congressmen in the North-West Frontier Province and Assam portend an early return of the Congress Party to the responsibilities of office which it renounced in 1939: but the possibility at any rate has been the subject of much speculation in the Indian press.

L.S.A.

Enclosure to No. 374

Sind.

The present Prime Minister, Sir Ghulam Hussein Hidayatullah, has been in office continuously since October 1942. He is an adherent of the Moslem League, and his Ministry, a Moslem League coalition with the Independent Hindu Party, was formed with the blessing of Mr. Jinnah. In the middle of March this year he reconstituted his Cabinet for the second time within three weeks. On the first occasion, following a defection of some of his Moslem League supporters in the Assembly, he had filled a vacancy in the Ministry by appointing a non-League Moslem. This was in defiance of the policy of the League according no recognition to Moslem elements outside the League. The League promptly asserted its control and the Prime Minister had to give way and drop the newly-appointed Minister.

This was a victory for the Moslem League, and a further example of the domination over a Provincial ministry which the League has endeavoured to exercise, following—but with much less success—the example of the control exercised by the Congress "High Command" over the Congress Ministries in 1937–39.

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Assam.

The Moslem League Ministry under Sir Muhammad Sa'adulla—a coalition ministry with certain Hindu and other elements—has been in office since August 1942. Recently it met some heavy weather and the Premier, seeing his following in the Assembly diminish, was obliged late in March to reconstitute his Cabinet. The important point is that he had to turn to the Congress Party for support; and although the Party would not itself accept office it has promised its support to the ministry, which will include three Hindu members in addition to five Moslems and two others. The support has been given on the condition that political prisoners are released and the ban on public meetings and processions withdrawn.

Although the local Congress Party are not giving full co-operation to the extent of taking office, it is significant that Mr. Gandhi, who, of course, was consulted by the leader of the Party, appears to have advised him to act as he thought best in the light of local circumstances. It is also noteworthy that the Congress Party is prepared to support a Moslem ministry.

North-West Frontier Province.

After 3½ years of "Section 93 Administration" the North-West Frontier Province was able to return to Ministerial Government in May 1943 with a Moslem League Ministry under Sardar Aurangzeb Khan. But the position of the Ministry was none too secure, particularly after the return of the Congress Party to the Legislature last year and the release from detention of certain Congress members—whose compulsory absence had contributed to the Premier's initial majority. The recent defection of some of its supporters led to the fall of the Ministry early in March, followed by the return to office of the local Congress Party under Dr. Khan Sahib, who was Premier of the Congress Ministry when it resigned in 1939.

This replacement of a Moslem League by a Congress Ministry, particularly in a Moslem Province, is a substantial blow to the prestige of the League. But it is not necessarily a prelude to the return of Congress to office elsewhere. Mr. Gandhi was consulted before the Ministry was formed, and is understood to have given Dr. Khan Sahib a free hand to act as seemed best in the peculiar circumstances of the Province. There is, however, little reason to think that Mr. Gandhi would be prepared to give a similar freedom of action to Congressmen in other Provinces administered by Governors under a Section 93 Proclamation.

Bengal.

The Moslem League Ministry (a coalition including non-Congress Caste Hindus and representatives of the Scheduled Castes), which has held office under Khwaja Sir Nazimuddin since April 1943, was defeated by a snap vote on the 28th March. On the following day the Speaker adjourned the Assembly

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sine die on the ground that the Government having been defeated was *functus officio*. The Governor had no option but to issue a Proclamation under Section 93 and take over the powers of the Ministry and the Legislature; the budget, which must be got through before the 31st March, had not yet passed the Legislature, and it was necessary for the Governor to ensure that supply should be legally provided for the year beginning on the 1st April.

It was latterly becoming clear that intrigues and ambitions among some of Sir Nazimuddin's supporters were causing a certain swing over to the Opposition, so that the defeat of the Ministry was not altogether a surprise. It seems at present that, if Sir Nazimuddin is out of it, there is no other politician on whom the Governor feels he could rely to form a Ministry that would enjoy a reasonable stability and co-operate fully in the administrative responsibilities of wartime. If that is so, the Section 93 régime may have to last some months as it seems that the only promise of a cure for the present unsatisfactory political situation lies in a general election, which could not be held till towards the end of the year.

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War Cabinet

India Committee. I (45) 17th Meeting[1]

L/PO/6/108c: ff 211–21

Those present at this Meeting held at 11 Downing Street, S.W.1, on 5 April 1945 at 9.30 am were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel, Field Marshal Viscount Wavell; Sir Gilbert Laithwaite (Secretary)

The Committee had before them memoranda by the Secretary of State for India (I. (45) 46,[2] I. (45) 47[3] and I. (45) 48)[4] and a memorandum by the Minister of Aircraft Production (I. (45) 49).[5] The Secretary of State's memorandum I. (45) 47 contained a summary of the Committee's proposals for discussion with Lord Wavell.

The India Committee's Proposals

MR. ATTLEE said that after consideration of various suggestions the Committee had prepared certain proposals which were summarised in the Secretary of State's memorandum I. (45) 47 for discussion with Lord Wavell. He invited the Chancellor of the Exchequer to comment on those proposals.

SIR JOHN ANDERSON said that these proposals were an outline of an approach to the constitutional problem in present circumstances which had

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something in common with the suggestions Lord Wavell had put forward. Thus they contemplated, like the Viceroy, an arrangement by which the Government of India would consist of persons who would be chosen by reason of their representative capacity. They differed, however, from the Viceroy's approach in that they did not purport to be an approach involving no constitutional change. On the contrary, the Committee regarded it as essential that there should be a very clear and explicit statement of what we were doing, and a full recognition of the fact that a Government of India, constituted as suggested by the Committee, would differ in fundamental respects from a Government constituted and working under the existing constitution.

Other points in common with the Viceroy's suggestion were that the arrangements in view would be only provisional and would be declared to be entirely without prejudice to the fuller constitutional development already in contemplation; and that what was known as the "Cripps offer" would continue to stand in its entirety, without any reservation or qualification.

The Committee had thought it essential that an effort should be made to bring home to India this fundamental fact, as we saw things, that apart from any question of goodwill, it was impossible as a practical matter for the British Government to devise, and then to put into operation, a constitution on the lines of the Cripps offer giving the fullest measure of self-government in India, since to impose such a constitution would necessitate the continued presence in India of a British Government responsible to His Majesty's Government in this country which would undertake the task of putting the constitution into force and seeing that it was properly made effective. If there was agreement among Indians there would be no need for an arrangement of this nature. If, on the other hand, agreement was lacking, the British could not, because they would be ex hypothesi on the spot, be responsible for imposing a settlement of this character. It was of the greatest importance to make this clear so as to dispel any thought that failure to introduce a more liberal constitution in India was in any way due to the fault of Great Britain.

The Committee's plan, finally, contemplated the establishment of a new organ in the form of a Grand Council of India. It had been felt that this body would at once provide a platform for the discussion of matters of interest to India as a whole (which would include the Princes) and a source from which new representative colleagues, who should be called Ministers and not Executive Counsellors, should be selected by the Governor-General. Its use for that purpose might avoid the embarrassment likely to result if the Governor-General, in choosing his Ministers, was to be too closely tied to the two main political organisations.

[1] On 10 April 1945 the War Cabinet Offices issued a note making certain amendments to its original Minute. These amendments are incorporated in the version printed here.

[2] No. 370. [3] No. 371. [4] No. 372. [5] No. 373.

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The members of the Grand Council would be selected as suggested in paragraph 3(h) of I. (45) 47, and would include members elected by members of the provincial legislatures by proportional representation. It had, in addition, been the Committee's view that there should be some provision for the Central Legislature in the elective process.

LORD WAVELL said that he had not had a great deal of time to consider these proposals, but that he had given them, in the time available, the best consideration that he could. Frankly, he did not like the Committee's scheme. All that he had been trying to do was to get things on the move as gently as possible. He felt that we needed a quick, generous approach which would not excite too much discussion, or cause alarm because it involved any unnecessary constitutional change. That was of particular importance in relation to the Muslims, whom any change at the moment would upset. He saw little difference between calling his colleagues Members of Council and calling them Ministers, and attached little importance to the name. On the other hand, there was a great difference between a Governor-General acting on the advice of his Ministers, as the scheme would, in respect of certain matters, involve, and the present position of the Governor-General with the Secretary of State behind him.

He was himself opposed to the transfer either of defence or External Affairs to a Minister. He felt that political India did not expect either.

The proposed Grand Council would, in his view, either be a white elephant or a nuisance.

He still, on such consideration as he had been able to give the matter, held to his own proposals as the simplest and quickest and as the least likely to excite a long period of discussion, which we ought to avoid, and to raise the communal question.

Lord Wavell then proceeded to comment section by section on the proposals in I. (45) 47 as follows:—

1. *His Majesty's Government to renew the 1942 draft declaration in the most explicit terms.*

India was getting tired of repetitions of the Cripps offer. A further repetition would, in his opinion, have no effect whatever. If there was to be a declaration it should be an entirely new one, to the effect that we were anxious to help India on toward self-government; that it was not possible at the time to make constitutional changes; but that it was our intention as soon as we could get an agreed constitution to hand over to a self-governing India, and in the meantime to give India the greatest share possible under the present constitution in running her own affairs and that we proposed to treat India as far as possible with the same consideration and prestige as the Dominions, and to give her the status of the Dominions so far as treatment went.

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2. *Failing agreement among Indians His Majesty's Government could not devise and propose a new constitution giving full self-government to be implemented by His Majesty's Government.*

He would hesitate about a statement of this character. It was true that we could not impose agreement, or, perhaps, it would be more correct to say that it was impossible at the present moment to do so. But he would himself think it unnecessary to make a statement of this nature, which might cause a good deal of trouble. He would advise avoidance of any statement of this character if possible.

3. (a) and (b). *The Governor-General to act on the advice of a Council of Ministers selected and appointed by him. Ministers to hold office at the Governor-General's pleasure, 40% of the Council to be caste Hindu, 40% Muslim, 20% others.*

The effect, as he understood it, would be to substitute a Council of Ministers for the present Executive Council. As he had already said he attached no importance to the change of name. As regards the composition of the Council he gathered that it was proposed that its communal composition should be regulated by Statute. He agreed with the percentages proposed. But he thought it would be better to arrive at them by arrangement, and not by legislation, since long and difficult legislation would be necessary with much consequent waste of time during which agitation might be worked up by elements such as the Hindu Mahasabha which would be hostile to a communal composition of this nature. He would have to face such agitation even if he got a Council of these proportions by agreement. But the forces of criticism would have less time and opportunity to marshal themselves against it.

3. (c) and (d). *Governor-General's special powers, under the Ninth Schedule, to be abrogated and replaced by discretionary powers and special responsibilities. The Council of Ministers to be responsible to the Governor-General and not to the Legislature.*

As he understood the meaning of this proposal it would be that the Governor-General would be bound to accept the advice of his Ministers except on certain subjects. He was not quite clear which subjects would be reserved, but assumed that in addition to defence, they would include those specified in Section 12 of the Act of 1935. Some of these fields included matters which the Governor-General did not now always bring before the Executive Council. The effect of the Committee's scheme would thus be to abrogate the very general powers which the Governor-General now exercises, and to place his relations with Council on a more formal footing. If so, the Governor-General could override his Ministers in respect of anything which was a grave menace to the peace and tranquillity of India, which threatened the financial stability and credit of the Centre, or affected the interests of minorities, the Indian states, commercial

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discrimination etc., and possibly External Affairs. While he would have to take the advice of his Ministers he need not act upon it and could override them. While he would continue to exercise a discretionary power it looked as though this would not extend beyond defence and the selection of his Ministers. If so, a contraction of the Governor-General's field of discretionary power and a very serious diminution of his powers would be involved. This would be a serious and major constitutional change, which was bound to excite lengthy Parliamentary discussion; and, while it might be in terms provisional, it would be very difficult to retrieve any concession that was now made. A concession of this type would provoke very considerable opposition from the Muslim League to any change in the constitution, since they would fear that it would be permanent and did not want any lessening of the Governor-General's powers. And while, under the Committee's scheme, Ministers would be responsible to the Governor-General, the Muslims would certainly be afraid that the tendency of Ministers would be to "gang-up" with the existing Central Legislature and with the Hindu majority in that body.

MR. ATTLEE pointed out that the objections just stated by the Governor-General appeared to exist in equal strength in the Governor-General's own scheme. Was there any reason why under his scheme the party leaders should not in the same way "gang-up" with the Legislature? As regards the powers of the Council, the Governor-General had previously explained that he had never overridden his Council. LORD WAVELL said that his own scheme would give him a greater power of selection of personnel. The Committee's scheme was something much more permanent and would involve removing a substantial portion of the Governor-General's powers. SIR JOHN ANDERSON pointed out that the Governor-General had informed the Committee that those powers were not in practice exercised. LORD WAVELL said that while that was the case, there was a great deal of important matter which he did not bring before his Council and a very wide field over which he acted at present without consulting that body. SIR JOHN ANDERSON enquired whether Lord Wavell thought he would be able to continue that state of things with a representative Council such as he had himself recommended. LORD WAVELL said he did not feel that the Council he had recommended would want more, but in any case on his own scheme he would still have his discretionary powers in reserve.

MR. ATTLEE said that what the Committee were afraid of was that under Lord Wavell's plan in practice, though not explicitly, all these things of which he now expressed himself as uneasy, would come to pass by the mere pressure of the situation. Once he accepted party leaders as the basis of his Council there was a great danger, which impressed the Committee, that without formal Act, or Parliamentary approval, things would move much faster than he imagined in the direction of which he was now apprehensive. LORD WAVELL

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said that admittedly there was a danger of this, which he did not underestimate. He would himself hope however to prevent the development of such a situation. He could not see any reason for formally giving anything away by Statute, as proposed by the Committee. Under his own scheme he would hope not to have to give anything away and thought that he would be better able to deal with his Council if he had in reserve the powers which he at present exercised.

(e) *Were responsibility of the Governor-General, the Secretary of State and Parliament to remain unchanged?*

LORD WAVELL said that he was not quite clear what this involved, but assumed that the effect would be that the Secretary of State would be able to give instructions to the Governor-General only on matters falling within the Governor-General's discretions or special responsibilities, i.e. over a limited field. He wished to repeat that the Muslims would be afraid of any constitutional changes so long as the present Central Legislature, which was largely Hindu in composition, remained the same.

(f) *Some further transfer of subjects to the provincial field.*

He could not see the object of this provision. So long as the war lasted it would be essential to continue with a very strong Centre. It would be impossible to govern the country in present war circumstances without a Centre which entrenched very considerably on provincial responsibilities.

(g) *Establishment of a Grand Council.*

He was not clear what this body was going to do. If it had any powers it would risk clashing with the Executive Council and the Legislature. If it had no powers it would be a nuisance and do no good.

(h) *The Grand Council to serve as a panel from which Ministers would normally be selected by the Governor-General.*

Such a provision would merely result in materially limiting the Governor-General's field of choice. If he had to select on an elective basis from the provincial Legislatures as at present composed, it would be impossible for him to include Mr. Rajagopalachari, Dr. Ambedkar and a considerable number of others who were not members of those Legislatures. SIR JOHN ANDERSON explained that it had not been intended that the qualification should be *membership* of a provincial Legislature. Anyone could be elected if chosen by members of a provincial Legislature. Provision had also been made for nominations by the Governor-General.

(i) *Appointment of a United Kingdom High Commissioner in India.*

He saw no advantage at the moment in appointing a United Kingdom High Commissioner which he thought unnecessary. He did not know what a

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United Kingdom High Commissioner would do, so long as the position of the Governor-General in the Indian constitution remained what it was at present.

SIR JOHN ANDERSON pointed out that Lord Wavell had been anxious that India should have the form of Dominion status and be treated so far as possible as a Dominion under his scheme. The appointment of a United Kingdom High Commissioner, the case for it on merits apart, would surely be of material importance from that point of view?

LORD WAVELL said that what was really wanted was not a formal declaration of Dominion status but that we should in practice treat India more like a Dominion. When he expressed himself as anxious that India should be treated as a Dominion he had in mind cases such as the recent decision which had been passed in respect of the pay of a British Viceroy.[6] He felt that India had not had sympathetic treatment from His Majesty's Government in many matters that a Dominion would have been entitled to.

SIR JOHN ANDERSON explained that the particular case in question had arisen from the special financial relationship between India and the United Kingdom.

MR. ATTLEE said that Lord Wavell had expressed his desire that India should be treated as though on all fours with the Dominions. That was impossible so long as the Governor-General's position did not approximate to that of a Dominion Governor-General. The suggestion for a High Commissioner would surely help to produce the semblance of a Dominion which would be further evidenced by the granting of special status to India's representatives abroad.

LORD WAVELL said that he was all for increasing the status of the Indian High Commissioner in London, who ought to have a status closer to that of the Dominion High Commissioners, but that a United Kingdom High Commissioner in India would be a fifth wheel in the coach.

SIR JOHN ANDERSON asked who, under the situation now developing, would look after the interests of His Majesty's Government in India? It would be quite incompatible with the position that Lord Wavell wished to see established in that country, that the responsibility should rest, as it had hitherto done, wholly on the Governor-General. The High Commissioner's functions would be to represent the interests of His Majesty's Government with no danger of confusion. As a practical issue the matter was of some urgency. Thus some little time ago changes had been made in the Indian Income Tax law without any warning to the Secretary of State or His Majesty's Government, which had had profound reactions outside.

It would be the duty of a United Kingdom High Commissioner to make representations, from the point of view of His Majesty's Government, to the Government of India before action was taken. The Government of India and

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the Governor-General have hitherto had a dual responsibility. They had had to consider the interests of the British Government and on occasion to carry out its instructions. On the other hand, it was their business to safeguard the interests of India. The more that India advanced to self-government, with the corollary that His Majesty's Government's interference in and over Indian affairs diminished, the more need there was for something of this nature.

MR. AMERY said that he attached great importance to the appointment of a United Kingdom High Commissioner. If the overriding powers of the Secretary of State were maintained, it must be clear that they were retained in the interests of India, and not for the furtherance of United Kingdom interests. Thus if new taxation, proposals for a subsidy for industry, or the like, which might affect United Kingdom interests, was under consideration, there must be someone other than the Governor-General, whose interests were primarily those of India, vigorously to present the point of view of the United Kingdom Government, and indeed, it might even be, to threaten retaliatory measures. We were entering a field in which we had to deal with India as a separate economic entity and there were matters on which the point of view of the United Kingdom should be represented direct on behalf of the United Kingdom by a High Commissioner and not through the Governor-General. He would himself favour the creation of a post of this nature, even if the Viceroy's proposals were accepted and, in consequence, we continued to work to something of the nature of the present constitution.

A general discussion followed

SIR STAFFORD CRIPPS said that the document circulated by the Secretary of State as I. (45) 47 summarising the proposals of the Committee, in fact went further than the Committee had contemplated in discussion as it envisaged more substantial legislative amendments than they had in view. The amendments which the Committee had had in view in the Ninth Schedule were limited in character. If we were going to change the whole of the powers of the Governor-General in respect of reserved subjects and discretions, a very large field would be opened up. He still thought that the right course was to amend that Schedule so as to make it possible to set up a different form of Government, bring the change as a constitutional matter before Parliament but refrain from opening the whole field of legislative and constitutional discussion. The India Office memorandum I. (45) 48 went into a great deal more detail than the Committee had had in mind, and would mean heavy legislation.

[6] Lord Wavell may be referring to discussions between February and May 1944 as to whether the anomaly could be removed whereby, because of a provision in the Government of India Act 1935, his pay as Field Marshal was deducted from his pay as Viceroy. Mr Amery finally wrote to say that, after consulting other members of the government, it had been decided that it was undesirable to introduce amending legislation. L/PO/8/9 i.

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LORD WAVELL said that the less change the better. Speed was the essence of this business. His own desire had been to amend the Ninth Schedule only to the extent necessary to relieve him of the obligation to appoint persons with certain qualifications to the Executive Council. He did not want to see any change in the relations between the Governor-General and his Council; or between the Governor-General, his Council and the Secretary of State. He wished to be free to introduce more persons from political life as members of his Council and that the method of choice should be left to his discretion. He was against the proposal for a Grand Council of India, which would have no constitutional authority.

LORD SIMON said that in the discussions in the Committee, he had preferred the proposals put up by the Committee to the Viceroy's because he thought it so important that we should clearly show what we were doing, as we would do if any change were brought about by Statute. There was the risk that changes or developments brought about in any other way could be described as having been made "furtively". As regards the Grand Council, that part of the plan would, he felt, open enormous questions. Was this to be the body from which Ministers would be drawn? It was he understood to be constituted by administrative action and not by legislation. The importance it would assume, if it was to be the source of the Governor-General's Council, was likely to mean wide discussion in Parliament and elsewhere. He would himself have doubted whether the Muslims would accept it.

SIR STAFFORD CRIPPS said the real question was whether the Viceroy was to draw his members of Council from a body nominated by a caucus or a body with some connection with the electorate. The Committee had attached great importance to the latter.

LORD WAVELL reminded the Committee that his original proposal had been that after broadcasting the general outline of his scheme, he would invite a small group, not exceeding eight, to meet him with a view to their submitting panels of names from which he could make selections for his Executive Council. He had never contemplated that this group should be more than eight or possibly nine and he had had in mind—two from Congress, two from the Muslim League, in addition to which he would himself nominate a Sikh, a non-Congress Hindu, a non-Muslim League Muslim, Dr. Ambedkar to represent the Depressed Classes; while he had at one time thought of adding M. N. Roy of the Social Democrats. Such a body would be composed as to more than 50% of persons who could not be regarded as representing a party caucus. He would expect to receive from each of the sections panels of varying sizes, but containing substantial numbers of names, from which he would make his selection. In practice this would produce results at least as good, if not better, than the Committee's scheme, and would give him a much wider field of

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choice. It was impossible in any event, in his judgment, to by-pass the two main political parties—Congress and the Muslim League—and he would much prefer on the whole to deal direct with them rather than indirectly, as he would have to under the Committee's scheme.

MR. AMERY said that he wished to make the following comments on the proposals set out in I. (45) 47.

(*a*) As regards Clause 1, he thought it important to renew the terms of the 1942 draft declaration so as to make it clear that what we were doing was purely provisional, and that we stood by our pledge that if India could arrive at an agreed constitution that would be accepted by us.

(*b*) As regards Clause 2, in the light of the Viceroy's views, he would be a little cautious of saying that we could not impose a new constitution.

(*c*) As regards Clause 3, he had originally supported the Committee's scheme as giving more power to the members of the Viceroy's Council; but he was now impressed, in the light of the analysis of the legislation that would be needed, as set out in I. (45) 48, by the fear that not only delays but unnecessary controversy would be involved. In 1935 we were venturing on a new experiment and not only reserved part of the field of Government entirely but safeguarded other specified parts by discretionary provisions. Since then there had been a great advance in practice and the small official Council of a few years ago had now been replaced by one of fifteen, of which eleven were Indians, and in which, under the existing constitution, the view of the majority habitually prevailed over the whole field of Government. He felt that the value of giving that body a wider authority by Statute in some respects would be outweighed by adding a whole list of specified limitations, some of them in fact out of date, e.g. as regards financial stability, and others liable to create fierce controversy, e.g. over the provisions to prevent discrimination against British trade. Sir Stafford Cripps had in any case expressed his readiness, when in India, to drop those provisions. (SIR STAFFORD CRIPPS said that what he had said was that he would not make the retention of those provisions necessarily a condition of the proposed treaty with India.) On the whole therefore he was now in favour of leaving the existing constitution of the Governor-General's Council which he thought would only involve the minimum amendment of Schedule Nine and of allowing the Viceroy to retain and use his powers as he thought wise. Over External Affairs he would be prepared to go further than the Viceroy. He felt a certain anomaly in asking for full Indian diplomatic representation abroad without an Indian Minister in charge at Delhi. As regards the selection of the members of Council, he thought there ought to be some formal method which would link up

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with the democratic process and not be purely personal. He had an open mind as between the central and the provincial Legislatures as the basis of such selection. But pending the restoration of provincial self-government and new elections he would be content with the Viceroy's suggested informal approach.

MR. ATTLEE said that Mr. Amery was, in fact, supporting the Viceroy's proposal. But he wished to emphasise the strong objections seen by the Committee to it which would have to be got over. We at present had a Council of nominated officials. We were trying to substitute for them people of a representative character. The Committee had made certain suggestions for doing that in such a manner as to link up the process with democratic processes outside. There was the danger in the Viceroy's scheme that without any Parliamentary approval or any formal Act we should find ourselves slipping into a position in which the Viceroy would be bound by convention to carry out the views of Ministers, and that those Ministers would be merely members of a party caucus outside.

THE LORD PRESIDENT suggested, and the Committee agreed, that the Committee should resume discussion of these matters at a later date convenient to its members.

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Minute by Mr Patrick

MSS.EUR.D.714/68

Sir D. Monteath *5 April 1945*
Lord Listowel
Private Secretary

The following points of interest emerged from a long conversation yesterday with Sir V. T. Krishnamachari:—

Action to end the deadlock

1. Rajagopalachari has assured him that Gandhi does not wish to obstruct any reasonable plan promoted by His Majesty's Government; he knows from conversation with Jinnah that the Muslim League would feel bound to accept any plan acceptable to Congress which gave them a share of power.

The present Council

2. The present Council is so weak, lacking in cohesion and, in certain individual cases, so crooked that its departure would be unhonoured and unsung. To govern India under the existing constitution only trained officials could form

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a really competent Council. But politicians would be better than a collection of incompetent amateurs; they would at least be in touch with the people.

The States

3. In 1939 he urged on Lord Linlithgow that he should not suspend Federation but secure Parliamentary approval for starting it on the basis of accessions from some 15 big States coming in *with their existing rights unmodified* and no contribution to the Centre beyond one towards Defence to the extent that it was for the time being costing more than Rs.50 crores, the pre-war figure. The other States could be left to make their terms gradually with a Centre already containing a substantial States element and the "Federal content" of States accessions be left to develop.

He still believed it possible to secure this sort of Federation, although to secure defence needs it would not be possible materially to reduce the number of Federal subjects. His belief was grounded on the fact that he had noted that there was a growing tendency of States to combine with one another and to seek agreement with British India on *material* and *economic* as opposed to *political* issues, having in mind reconstruction needs. Thus "grouping" would develop for economic objects and the groups so formed would serve as units of Federation.

One factor which had hindered States from coming into Federation earlier had been the inability of Political officers, cut off from the main stream of Indian political thought in such isolated centres as Rajkot or Ajmer or Indore, to appreciate its advantages to Rulers. Their encouragement to them to accede was therefore very lukewarm. Indeed they often advised privately against it!

A Federation of an emergency kind would give India a status in the outside world even if for many years defence (and hence External Affairs) had to be reserved.

The Provinces

4. His observation of the working of S.93 in the Provinces was very discouraging. There was an immense amount of money available but no will to spend it profitably and no directing purpose in the administration, an inevitable result of caretaker government. The gap between the administration and the people was steadily widening and it would be most dangerous to allow the drift to go on longer. Racialism as well as communalism were growing apace.

Indian share in constitution planning

5. Whatever His Majesty's Government decided to do now must be mediated through Indians to Indians, so that it could be represented to be an Indian plan. It was necessary for His Majesty's Government to initiate a plan, but this must not be presented to Indians as just His Majesty's Government's plan. If it were,

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it would not be worked, such was the mood of Indians to-day towards this country. Some means must be found of inducing Indian leaders to accept and father the plan before it was promulgated.

P.J.P.

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Mr Amery to Sir J. Colville

L/PO/10/22

PRIVATE

INDIA OFFICE, *6 April 1945*
Received: 12 April

Many thanks for your letter of the 27th March[1] dealing with various points contained in one of my last letters to Wavell.

2. As regards the recruiting issue, it has been very useful having Mudie over here and in the end a tolerable compromise has emerged,[2] with which I think Mudie is reasonably satisfied and which I trust will not too greatly disappoint your Council. It is interesting that while the Indian members of your Council are unanimous in wishing the probationers to come to this country for university training, my Indian Advisers here strongly took the opposite view. My own experience, as Rhodes Trustee, tends to show that the Universities here are going to be woefully overcrowded and very reluctant to find room for extra students, especially short term ones.

[Para. 3, on Sir Zafrullah Khan's future activities, omitted.]

4. The Commonwealth Conferences have begun and Firoz at the opening meeting, with his usual rather loose overstatement, declared that India was really already a Dominion, though nobody had quite realised it and that of course the delegation goes to San Francisco in no sense instructed by myself. In spite of some overstatement I am glad that he said this, for it is important for the world as a whole to realise to how large an extent Indian affairs are settled in India. Last night, at a dinner given by the Prime Minister at No. 10 to the Commonwealth Delegates, Mudaliar made an impromptu speech which greatly impressed them all, and I only hope that he may be able to make as effective a speech when he is speaking for India at San Francisco.

5. Our discussions with the Cabinet Committee are continuing, but I imagine it may be another week at least before we can really bring definite conclusions before the Cabinet, and it may take another week to secure Cabinet agreement.

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6. We have exchanged telegrams about Bengal and Section 93[3] and I need not say more about that, except just this. The more I see of the working of the British Parliamentary system in India the more convinced I am that it does not work, but only means endless intrigue, corruption and administrative inefficiency. Some sort of assurance of stability to the Executive is essential and I am more and more convinced that the Swiss system, under which the Executive is an elected coalition, but, once elected, above parliamentary opposition, is the right solution. Whether that requires legislation or whether it cannot in fact be secured by mere changes in the Governors' Instruments of Instruction and in the Governors' refusal to pay any attention to adverse votes—except possibly a two-thirds majority formal vote of No-confidence—is a thing that still wants looking into. Most of it I think can be done by a change in the Instrument, but legislation may be required to give the Governor power of certification, at any rate of finance, on the advice of his Ministers, in face of parliamentary rejection.

7. The news this morning about a new Japanese Government and about Russia's denouncing the Treaty of Neutrality, both suggest that the war in the East might come to an end sooner than we have anticipated. That would indeed be a great blessing, though so far as India is concerned, it will bring its own crop of new problems.

[1] No. 344. [2] See No. 412. [3] Nos. 349, 356, and 357.

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War Cabinet

India Committee. Paper I (45) 53

L/PO/6/108c: ff 209–10

NOTE BY THE LORD CHANCELLOR

WAR CABINET OFFICES, *7 April 1945*

The effect which our recent meetings have had upon me, and especially the discussion with the Viceroy and his reception of the Chancellor of the Exchequer's proposals,[1] is to force me towards the conclusion that the Government ought not at this time to announce or authorise efforts towards a constitutional change. The Viceroy does not seem to appreciate the dangers, from this point of view, of the action he would like to take. I entirely agree with the Chancellor of the Exchequer that, as a method of procedure, there would be much

[1] See No. 375.

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to be said for an amending Bill, but I find it most difficult to believe that, even if the Bill professed to be limited to altering a Schedule in the Act of 1935, it would receive general approval and would not raise very large questions in both Houses of Parliament. Moreover, as I see it, there is really no reason for supposing that the 4:4:2 plan, whether conventional or statutory, would result in the Moslem League and the Congress Hindus sitting down side by side with the honest common intention of making the new plan work. The last telegram on the Moslem League attitude which I have seen (628-S)[2] only confirms what has been repeatedly indicated by Jinnah that any attempt to produce general agreement by constitutional change would be resisted as being, in the view of these Moslems, a shelving of the Pakistan issue.

My own reflection up to date is that the War Cabinet might authorise the Viceroy to go back and have his interview with Jinnah, and others, to see how they would react if such a plan were put forward. It would be necessary to make it entirely clear to the Viceroy that he was not authorised to propose such a plan or to give any assurances about changes. He would ask for definite information. I hope he would also be instructed not to use language which, to me at least, implies that Britain has failed to "implement her pledges". On the contrary, he should be asked to point out that the Cripps' offer stands and is a definite effort on our part to give India the means of promoting her own advance to self-government, and that it is really essential, if agreement is to be reached, that agreement should be reached within India herself. But at the same time, he might say that, nevertheless, in order to assist in any way possible, His Majesty's Government are wishing to make these inquiries and that he will report the result.

I confess I do not think that the Viceroy's attitude, or his comprehension of the subject, make him an ideal medium for the purpose, but he was hoping to see Jinnah before he, on his own proposal, came home, so it would presumably be in accordance with his hopes to interview Jinnah and others on his return, in order to propound the question above indicated and to collect the answers. If (which does not seem likely) the various leaders all said that this is what they wanted to do, and would *join heartily in doing*, then we should have a basis of fact on which to work. If, on the other hand, they show themselves unable to join in such an effort, the fact would remain that His Majesty's Government had tried to advance matters and that it was not His Majesty's Government who had broken its pledges or had been an obstacle to Indian union, but that this unhappy situation arose from Indians themselves and from the fact—so widely misunderstood—of the Indian situation.

S.

[2] No. 366.

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Summary and Note by India Office[1]

L/P&J/8/653: ff 128–30

Undated

SUMMARY OF TELEGRAM NO. 105[2] OF 8TH APRIL, 1945 FROM THE GOVERNOR OF BENGAL

This telegram which is addressed to the Viceroy discusses at length the position of the various political parties in Bengal. Mr. Casey sums up his review in the following words:—

"I am convinced that the only chance of stability in the present legislature lies in a League-Congress coalition under Nazimuddin based on a square and public communal bargain, a clearly accepted policy on secondary education and a clearly defined attitude (of a nature that I could accept) to terrorist and fifth column detenus. I see no prospect of such a coalition at least until Moslem and "Independent" members of the Assembly have been purged and disciplined by a general election. Present political opinion is practically unanimous that the Moslem League and the Congress would sweep the Moslem and Caste Hindu polls respectively and we should then at least reach a position in which a settlement on general and communal policy could be attempted between the plenipotentiaries, each certain of his own following."

Mr. Casey also indicates that for various reasons a general election could not properly take place in Bengal before about the end of 1945, but that he can see no adequate reason why Bengal should not have a general election even though an All-India general election does not take place at the same time. For this purpose, however, it would be necessary to legalise the activities of Congress in Bengal at least three or four months before the election took place. The Governor concludes by expressing his firm conviction that for the present it is necessary to maintain a Section 93 administration.

NOTE

In a following telegram No. 107[3] the Governor gave the text of a proposed Press statement which would indicate that a general election would be held about December-January next after the period of Section 93 administration. Sir John Colville has, however, expressed the view[4] that no announcement of a general election should be made without further consideration and that no announcement regarding the duration of Section 93 is required immediately.

[1] A copy of this Summary and Note was sent to Mr Churchill.
[2] A copy of this tel. is on L/P&J/8/653: ff 159–60.
[3] Of 8 April. A copy of this tel. is *ibid.*: f 162.
[4] In tel. 661-S of 9 April. *Ibid.*: f 157.

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The Acting-Viceroy has been informed that this view is supported by the Secretary of State.[5]

[5] In tel. 7909 of 10 April. *Ibid.*: f 156. In a further private tel. 243 of 12 April Mr Amery explained to Sir J. Colville that: 'I readily agreed with your views on Casey's draft declaration because I felt that whatever the effect Casey might hope to secure in Bengal it is very important at a time when critical constitutional discussions are in progress that he should expose as little surface as possible and avoid any suggestion of a commitment affecting H.M.G.'s future policy whether in regard to the holding of fresh general elections or otherwise.' *Ibid.*: f 148.

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Sir J. Colville to Mr Amery

Telegram, L/E/9/1525: f 129

IMPORTANT *9 April 1945*

PRIVATE

658–S. Firoz's speech at Commonwealth Conference[1] about India's constitutional position has attracted a great deal of attention here and I have to disallow an adjournment motion to consider "deliberate gross misrepresentation at the Empire Conference of India's present constitutional position by the honourable Sir Firoz Khan Noon, one of the representatives of Government of India to the San Francisco Conference in stating that India already enjoys Dominion status and further, that he and his colleagues represented India whereas the fact is that the people of India had no say whatsoever in their selection as delegates to the San Francisco Conference."

2. Firoz's speech and especially assertion that there is no control by Secretary of State has been attacked by all sections of Indian Press and at a time when I was anxious to keep down the political temperature the necessity of disallowing adjournment motion above has been rather embarrassing. I leave it to you to consider whether you can suitably say a word to Firoz or convey a hint through Wavell or Mudaliar.

[1] See No. 377, para. 4.

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Note by Field Marshal Viscount Wavell

L/PO/10/25

9 April 1945

Secretary of State

I discussed with you the other day India's interest in Palestine, and said I considered I had a right to be kept informed of His Majesty's Government's intentions, and to be consulted before any plan is approved and carried out.

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2. India contains some 90 million Muslims. I do not suggest that their views on Palestine can contribute anything to a solution. But any solution which is manifestly unacceptable to the Arabs would cause great resentment in Muslim India, and might lead to serious trouble on the lines of the Khilafat agitation, which caused so much trouble after the last war and led to an anti-British alliance between Muslims and Hindus. An external Muslim grievance is something which Hindus will exploit if they see advantage in so doing.

3. Palestine is therefore an important factor in India's internal politics, and this must not be forgotten. Unless I am fully aware of His Majesty's Government's intentions and plans, I cannot estimate their probable effect in India or prepare the ground in advance to avoid trouble or to meet it.

4. I should like to get a decision on this while I am here.

WAVELL

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War Cabinet

India Committee. I (45) 18th Meeting, Minutes 1 and 3

L/PO/6/108c: ff 199–208

Those present at this Meeting held at 11 Downing Street, S.W.1, on 10 April 1945 at 10.30 pm were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel; Sir Gilbert Laithwaite (Secretary)

1. The Committee had before them a memorandum (I. (45) 53)[1] by the Lord Chancellor on the discussions with the Viceroy.

I. Renewal of existing Section 93 Proclamation

MR. AMERY reported that he was now advised that it would be necessary, before 30th April, to secure Parliamentary approval for the renewal of the existing resolutions under Section 93. He asked the advice of the Committee as to whether it would be possible to secure that the necessary resolution should be passed by agreement and without discussion on the ground that a fuller statement (such as he thought would have to be made in connection with any action resulting from consultations between the Committee and the Viceroy) would shortly be made.

After a brief discussion *it was agreed* that it would be better that the Secretary of State should introduce the necessary motion and allow the debate to proceed

[1] No. 378.

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in the ordinary way, and that no endeavour should be made to avoid debate on the ground that any fuller statement was to be looked for.

II. General Political Situation

A general discussion followed on the outcome of the conversations with Lord Wavell, in the light of the Lord Chancellor's paper (I. (45) 53).

In reply to Mr. Attlee, SIR JAMES GRIGG, who had been unable to be present at the 17th meeting of the Committee at which Lord Wavell attended on 5th April, said that he had studied the record of the proceedings. With the Viceroy in his present mood, he was driven to feel that there was nothing for it but to send him back to India to stonewall. It was clear that Lord Wavell would consider no plan but his own, and that he had not been in any way moved by the arguments addressed to him by the Committee. The Viceroy's plan, on the other hand, in Sir James Grigg's view, sold the pass to no advantage. If the Viceroy was not prepared to accept the Committee's plan (to which he himself had lent his support with some hesitation and only because of the insistence of the Viceroy on the running down of the clock in India) he would support the views set out by the Lord Chancellor in I. (45) 53.

MR. BUTLER said that since the Viceroy's return we had had the Sapru proposals[2] and Jinnah's comments[3] on them. The latter were very important. While he thought himself that any change in the existing constitution was dangerous, it was important to send the Viceroy back in a position to do something, even though his attitude had not been helpful in the discussions that had taken place. He thought that the wise course would be to authorise Lord Wavell to speak to the Indian leaders on the lines of the Lord Chancellor's memorandum (I. (45) 53), explore their minds, and report back to the Cabinet. We ought, before taking a final decision, to know authoritatively whether the Indian leaders wanted the type of solution which Lord Wavell advocated, or a type which would take many years to fabricate.

MR. AMERY said that the Viceroy had come here specially to discuss the position and his own proposals. We could not send him back on the basis of the Lord Chancellor's memorandum (I. (45) 53), or merely to explore the situation. He doubted, indeed, if Lord Wavell would return on that basis. As Lord Wavell had explained to the Committee, he was anxious to see the Indian leaders and say that, with the authority of the Cabinet, he was prepared to replace his existing Executive by persons selected after consultation with them, who would be representative of the political parties. All that the Viceroy wanted was permission to convene the persons such as Gandhi and Jinnah who in fact controlled Indian politics, and see if they or their parties were agreeable to come into the new Council. He thought himself that the Viceroy might well be authorised to hint to them that as soon as elections had taken place after the

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war and there was a new Legislature at the Centre and new Governments in the Provinces, he would have letters of instruction saying how the new Executive would be chosen. No constitutional change would be involved except the removal of the Service element from Council. Anything more ambitious than the Viceroy's scheme would at this stage be dangerous. An Executive Council reconstituted as suggested by Lord Wavell might admittedly immediately ask for more, and the Viceroy's position would be weaker once it had been so reconstituted. That had, however, been the regular course of constitutional development in the Dominions. The Viceroy could, after all, dismiss his Council if he had difficulty with them; under his own scheme he would retain his reserved powers in full, and he had a certain insurance against internal changes in the communal balance of the Council. The new Council would no doubt adopt a stiffer attitude towards this country. But it would be difficult to override even the existing Council particularly on the economic side.

In a word, we must either accept or reject the Viceroy's scheme. It was true that we had considered a variant of it which presented definite attractions, but involved on the other hand more legislation and exposed more points of criticism and controversy. The more extensive the legislation involved the greater the danger of rejection by Jinnah on the ground that in effect we were making a new constitution.

MR. ATTLEE felt that Mr. Amery's statement did not face the difficulties which the Committee had felt. Lord Wavell seemed to have no conception of the constitutional implications of his plan or of the risk that, in the event of its acceptance, he would soon find himself pushed into a position in which he was practically a constitutional monarch. The existing Executive councillors were creatures of the Viceroy, and technically officials. They were now to be replaced by politicians who would represent parties and would be correspondingly more powerful.

SIR JAMES GRIGG said that it was one thing to impose a constitution. For the Viceroy to submit his plan to Indian leaders was quite another. It would inevitably mean that the bargaining strength was transferred to them, and the Viceroy would soon find himself manoeuvred into a position in which he could be represented as the obstacle to any constitutional advance.

SIR STAFFORD CRIPPS thought that the differences between Lord Wavell's plan and the Chancellor of the Exchequer's plan set out in I. (45) 41[4] were essentially:—

(*a*) that the Chancellor of the Exchequer (with whom he agreed) wanted any action taken, taken formally, by legislation if necessary, and announced in a full and reasoned statement in Parliament. He thought

[2] See No. 360. [3] Annex 4 to No. 370. [4] No. 358.

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himself that Lord Wavell would accept that. There must be some amendment of Schedule IX even if the Viceroy's own scheme went through and that would afford a good opportunity for a formal statement in the House;

(*b*) the body from which the Executive Council or Ministers were to be chosen. The alternatives were nomination by party leaders, or an arrangement in some way connected with the Indian legislatures. It was for the Committee to decide which course they preferred. Once they had made up their minds Lord Wavell could be told that that was their decision; and if he was not prepared to accept it he could be replaced. He might think that their scheme was less advantageous than his own, but if the Committee did not agree with that view they should make up their own minds on what they thought best, put it to Lord Wavell as a decision and ask him whether he was prepared to carry it out.

SIR JOHN ANDERSON said that Mr. Amery had remarked in effect that what the Viceroy now proposed represented what had happened in all the Dominions. With that view he absolutely disagreed. In the Dominions, by gradual stages, one set of responsible elected persons, with a legislature to which they were responsible, had gradually gained de facto responsibility at the expense of another set of elected persons, viz. Parliament in this country. Lord Wavell's scheme was wholly different from this. The new Executive Council who, because of their representative capacity would have greater power and authority than their predecessors, would present no analogy with the Dominions. The Viceroy's scheme, moreover, tended to wrap up everything in obscure phrases, and in particular to obscure the implications of selecting the Executive Council (which at the moment consisted of officials representative of no-one and responsible to the Executive in this country) from representatives of the parties. Selection on that basis would in fact involve in practice a curtailment of the Viceroy's powers, and to suggest that those powers remained intact would be a denial of the true facts which would land us all in complete confusion. It was for this reason that he wished any change to be by legislation, and that he thought it necessary if we were going to make this change, that we should frankly let Parliament know what was involved, and that the effect of it must be a curtailment of the Viceroy's powers, and their limitation in practice to certain matters of the nature of those set out in the Act of 1935. Disaster would follow if the change proposed by the Viceroy happened without the clearest and most specific declaration of what was involved in it. Further, we must make perfectly clear that it was out of the question for this country, for the reasons that had already been explained in the Committee, to *impose* on India a constitution giving full representative authority to a new Indian Executive.

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SIR STAFFORD CRIPPS said he entirely agreed with the Chancellor of the Exchequer.

LORD SIMON said that he also was in complete agreement with Sir John Anderson. The clearest possible statement of what was involved was essential. He was bound to say, however, that he did not believe that Muslims would be prepared to accept a scheme such as the Viceroy had put forward.

MR. AMERY said that he could not understand why the Committee, seeing how far they had been prepared to go in 1942, subject possibly to the point which he regarded as of quite minor importance that the Cripps offer was subject to solution of the long term programme, should now hesitate over the Viceroy's proposals. He disagreed with the Chancellor of the Exchequer's exposition as regards the Dominions. There had been a gradual shift of authority to India. He did not regard the suggestion that in the Dominions the shift of authority had been to persons elected as of importance, and thought it possible in present Indian conditions greatly to exaggerate the importance of the elector, since the effective control rested with Gandhi and Jinnah. All that the Viceroy's proposals involved was bringing the existing constitution more nearly into touch with politics in India. Any necessary formalisation could take place later. We must recognise the passionate national feeling in India and try to meet it. If we could not do so India might become desperately bitter and sour, and ultimately be lost to the Empire.

At the same time, while his own strong view was that the Viceroy's recommendations should be accepted sooner than send him back empty-handed, he would be prepared again to consider the scheme which had been before the Committee which did not differ in real essence from the Viceroy's save that it was more formal and open to criticism on one point or other. He saw himself no special value in retaining limitations that might have been important in 1935. Financial safeguards mattered less now. The commercial discrimination provisions might have to be modified or removed if inconsistent with Indian reconstruction arrangements and the need to subsidise certain industries. India was entitled to safeguard her economic position, and it was not for us to forbid her taking what steps she thought fit even if we did not like them.

MR. ATTLEE said that what really mattered was the welfare of the great mass of the people. He was dismayed at the risk that we should hand over the people of India to a few very rich individuals who could control the political caucuses without responsibility to anyone. The Secretary of State was not, in his view, sufficiently concerned for the effect on the interests of the masses, and he thought the proposals to which Mr. Amery had referred reckless in character. Nor was he satisfied either that the situation in India was as acute as had been suggested, or that the Indian elector had no mind of his own.

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SIR STAFFORD CRIPPS suggested that if the general sense of the Committee favoured an arrangement on the basis of the Chancellor of the Exchequer's proposal, with the minimum of legislation, such legislation could be made the occasion in Parliament for an announcement on the lines proposed by the Chancellor of the Exchequer, perhaps without describing in detail its precise effect on the powers of the Viceroy but with an indication that the tendency would probably be gradually to reduce his powers. We should have to decide in connection with any such announcement whether the Executive Council should be selected from a panel produced by the legislatures or a panel produced by party leaders pending the reconstitution of legislatures.

MR. BUTLER pointed out that the Viceroy did not want to go at all so far as the Chancellor of the Exchequer or the Committee. In particular, he did not want any abrogation of his powers, or the transfer of External Affairs. Would the Chancellor of the Exchequer be prepared to accept his scheme with the modifications which the Viceroy was anxious to see in it?

SIR JOHN ANDERSON said that his own feelings were quite irrelevant in this matter. What he was trying to do was to save India from running into disaster. He would go quite a long way on practical grounds to agree to a minimum of legislative change (he thought it was common ground that *some* legislative change would be involved) which could be made the occasion for explaining quite clearly and beyond any possibility of misunderstanding what was implicit in the Viceroy's scheme; and that the introduction of the representative element in the Executive Council involved a curtailment of the Viceroy's powers. He wished himself to preserve the essentials until a responsible body had been set up in India to which the Executive could be held accountable. So long as that was secured, he would be quite ready to reconsider the details of the scheme.

'X' As regards the transfer of *External Affairs*, he favoured the transfer on merits and quite independently of any question of constitutional progress, and United Kingdom interests, because of the difficulty we were getting into by letting India go forward in international negotiations as an independent authority, while we controlled the attitude that the "independent" Indian representatives had to take up.

If the Viceroy was to be associated with an Executive such as he had in mind, vital interests of this country must be watched in India by someone whose responsibility could be quite unequivocally declared. The Viceroy could not, under the scheme which had been proposed by Lord Wavell, continue to carry the responsibility for safeguarding the interests of this country. Indeed he doubted if even under the existing constitution he was in a position to discharge that function. The Secretary of State himself admitted that the existing Executive could not be made amenable, and we risked moving unconsciously

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but rapidly into a most unsatisfactory and dangerous position. The Viceroy clearly did not appreciate what seemed to him, the Chancellor of the Exchequer, the manifest and undeniable fact that the British point of view could not, as matters stood, be sufficiently protected by him as head of the Executive, and that His Majesty's Government must have someone in India for this purpose.

MR. AMERY said that he entirely agreed as to the importance of establishing without delay a United Kingdom High Commissioner in India to look after British interests.

SIR JAMES GRIGG agreed with Mr. Attlee. There was grave danger of the interests of the masses being sacrificed, and of our handing over India lock, stock and barrel to two party caucuses, and fastening a most oppressive tyranny on the Indian peasant.

MR. AMERY said that he would gladly take a different view if he thought it was possible to set up a benevolent government, concerned primarily for the well-being of the poorer classes, regardless of national feeling. But in his view a passionate nationalism was now dominant in India, and we were committed too far to make it possible for us to change our policy. We had to consider whether we could do something to carry India a step further along, avoid confronting the difficulties, at present apparently insuperable, of devising a new Constitution, leave the issue of the long-term Constitution in the background while making clear that our pledges under the Cripps offer stood, but, by making a constructive move of some sort now, prevent the atmosphere from getting worse. He quite realised the possibility of some difficulty with the Muslims and he had not overlooked Jinnah's reaction to the Sapru proposals. But he wished to point out that the essence of the Sapru plan was that it implied the Parliamentary responsibility of a Ministry. The essence of our plans was, on the other hand, that the Indian Executive should for the present not be responsible to the Legislature. Once it was responsible to the Legislature the Hindu majority could turn out the minority, or make the position impossible. So long as we did not commit ourselves to responsibility there would be less reason for the Muslims to be concerned. As for the present Executive Council, he could not accept the suggestion that they were mere creatures of the Viceroy, or officials. They were men of high character and public standing, such as Sir R. Mudaliar, and were certainly not prepared to be overridden on issues on which the interests of India were concerned.

If we proceeded on the basis of the Chancellor of the Exchequer's plan, we might:—

(1) Make provision for a panel of names from the Provincial and Central Legislatures from which the Executive Councillors should be selected.

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(Sir Stafford Cripps suggested that the source of selection might be left open as between the leaders and the Legislatures.)

(2) Transfer the powers under the Act of 1935 without qualification to the new Council. (Sir Stafford Cripps suggested that the position legally would remain as now, but that in fact the new Council would be more responsive, which would in practice mean that they had another responsibility besides their responsibility to the Viceroy and might act on occasions in accordance with that other responsibility. That would be the real change.)

(3) Relations between the new Executive Council selected as had been suggested, and the Legislature and the Viceroy would be precisely identical with the relations of the present Executive Council. (Sir Stafford Cripps thought it was most important that there should be no misapprehension as to what was happening and that what was involved should be made perfectly clear.)

(4) Accompany our proposals as regards the Centre with an invitation for the renewal of normal Parliamentary Government in the provinces, on the assumption that the parties were ready to support the scheme proposed for the Centre.

MR. ATTLEE said that we should have to consider the line to be taken as regards the *release of the detenus*. While it was arguable that that should come up at a subsequent stage, if we proceeded with schemes such as those under discussion, we should certainly have to give an opportunity for consultation. It would be difficult in practice to allow the detenus to leave prison merely for consultation, or to make their release, if they were once called out for consultation, dependent on the acceptance by Congress of the proposals put forward.

LORD SIMON suggested that there should be a statement in Parliament to the effect that we were prepared to make the appropriate modifications in Schedule 9 of the Act of 1935; that we were anxious to help India over her constitutional development to the greatest possible degree, and that we thought that the scheme which it was now in mind to put forward was the best way in which we could achieve that, but that it would be an essential prerequisite that we should be certain that an arrangement of this nature could look for full co-operation from the political parties; that for that reason the Viceroy was being instructed to discuss with the political parties on his return to India and thereafter report to the War Cabinet, when, if his report showed that there was sufficient support for action on these lines, immediate steps would be taken to promote the necessary legislation. There ought, he thought, to be for the consideration of the Committee a draft of the statement to be made in Parliament which would set out the complete scheme on the lines which had been proposed by the Chancellor of the Exchequer, as modified in the discussion,

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in precise terms; and which would make it clear also that effect could not be given to the scheme unless it was acceptable to the major communities. As regards the timing of any announcement, it might be arranged to coincide approximately with the date of the Viceroy's return to India.

MR. BUTLER said that he was still very far from happy. He drew the attention of the Committee to Mr. Jinnah's statement on the resolution of the Sapru Committee which had been circulated under I. (45) 46. Mr. Jinnah had said:—

[*There follow the last three sentences of Annex 4 to No. 370 with certain words omitted from the last sentence.*]

This was a very serious statement, and we must watch our step very carefully. His own feeling was that the Viceroy's visit to this country had been premature and that the position was not yet ripe for any settlement. We should not allow ourselves to be forced into endeavouring to make a settlement which would be premature, and he still felt that it would be much better to send the Viceroy back to discuss and ascertain what the reaction of the Indians would be, but to make no statement here until we were sure of the Indian reaction. He was quite ready to agree that if that reaction was satisfactory, then we should be prepared to implement a scheme of the nature which the Viceroy was authorised to discuss with the communities.

SIR STAFFORD CRIPPS said that, while quite understanding the Minister of Education's feeling, the trouble he felt about the course he advocated was that it was not consistent with the Chancellor of the Exchequer's view, with which he personally wholly sympathised, that whatever was done should be done in a very formal way, and that there should be a very carefully worded statement in the House of Commons here. The moment we started to reopen negotiations in India all the old difficulties would spring up again. If it was true that there were many in India who were anxious to make a step forward, there would, he thought, be a better chance of making progress on the basis of the Parliamentary statement which had been advocated in discussion, in the course of which we could make it clear that no progress could be made without the goodwill of the Indian communities. He was not himself disposed to take too seriously Jinnah's statement, and thought that he would be prepared to play under the existing Constitution so long as he got in the Executive Council the proportions 4 Hindu, 4 Muslims, 2 others. The mere fact that the nominees under the scheme that had been put forward would be drawn partly from the Central and partly from the Provincial Legislatures would not, he thought, worry Jinnah very much, and in any event Jinnah, if he thought that the Congress were going to play, would realise the dangers of standing out himself. In his judgment, any announcement should be made first in Parliament and not in a broadcast by the Viceroy.

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After further discussion there was general agreement that the balance of advantage appeared to rest with a scheme on the broad lines adumbrated by the Chancellor of the Exchequer in I. (45) 45,[5] subject to such modifications as were necessitated by the present discussion. In particular it was agreed:—

(*a*) that despite the lack of importance attached by the Viceroy to a reiteration of the Cripps pledges, the fact that those pledges stood should be reiterated;

(*b*) that it was essential, quite apart from any matter of constitutional advance, that steps should be taken now to appoint a United Kingdom High Commissioner in India to look after United Kingdom interests in that country, and that this feature should be a part of the plan;

(*c*) as regards external affairs, that the balance of advantage on merits and quite apart from any question of constitutional advance was, for the reasons given by the Chancellor of the Exchequer at "X" on page 5, in favour of their transfer to the control of an Indian Minister or Member, but that steps should be taken to distinguish between tribal matters (which might properly go with defence) and foreign relations strictly so-called. It was recorded in this connection that inter-Imperial relations were already within the portfolio of a member of the Governor-General's Council;

(*d*) that defence should continue as at present to be reserved.

SIR STAFFORD CRIPPS expressed his readiness to prepare the draft of a statement for the consideration of the Committee.

THE COMMITTEE:—

(1) Invited Sir Stafford Cripps to prepare the draft of a statement, in the light of the discussion, for their consideration.

(2) Agreed to meet again at 10.30 p.m. on Thursday, 12th April, without the Viceroy, to consider the draft statement.

(3) Agreed that once the statement had been settled in the Committee, and before further discussion took place with the Viceroy, the Deputy Prime Minister should report to the Prime Minister with a view to a decision being taken as to discussion in Cabinet.

[Minute 2, relating to Burma, omitted.]

Visit of Nehru's Sister and Nieces to the United States of America

3. MR. ATTLEE referred to the visit of Nehru's sister and nieces to the United States of America, which had been discussed in the Secretary of State for India's memorandum (I. (45) 3)[6] of 3rd January. The position seemed to be that Mrs. Pandit had rather over-called her hand and that her exaggerated statements about the communal position in India and the attitude of the Indian

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Army towards the Empire had defeated their own purpose. She was now likely to visit San Francisco at the time of the United Nations Conference. There was, however, nothing that we could do to help it, and on the whole we had reason for satisfaction that, having been allowed to visit the United States, her exaggerated statements should have defeated their own object.

THE COMMITTEE:—

Agreed with the Deputy Prime Minister's view.

[5] India Committee Paper I (45)45 related to Burma. The reference is presumably to I(45)41 [No. 358] or I(45)47 [No. 371].

[6] No. 179.

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 13 *10 April 1945*

Many thanks for your letter of 29th March.[1] I hope that the discussions have made progress. They have, as a by-product, remarkably speeded up the pace at which the Sapru Committee works, but I will comment below on that subject.

2. In my last letter[2] I mentioned our disappointment that the Hydari Mission, though successful in other ways, had achieved nothing in regard to food imports. Since then I have sent you a telegram expressing the anxieties of the Executive Council on the subject, and I have also telegraphed to Wavell asking whether he would like Hutchings to fly home to assist him in pressing the point.[3] It is a most serious matter, and I think His Majesty's Government will have to face up to the fact that unless Leathers produces the necessary shipping

[1] No. 350. [2] No. 364, para. 9.

[3] Tels. 637-S of 3 April and 657-S of 9 April. Mr Amery's reply (tel. 8164 of 12 April) outlined the shipping difficulties and informed Sir J. Colville that he was taking steps to have the operational aspect of the matter considered by the Chiefs of Staff. On 12 April Mr Amery sent Mr Churchill a minute (P.10/45) in which he concluded by saying that, if Lord Leathers could do nothing more, 'the dilemma has to be faced that either we must require India to bear a load which the Government there advise they cannot carry without disaster, or operational plans must be changed so as to reduce materially the load that they impose on India.' Mr Amery also sent the Chiefs of Staff a memorandum in similar terms. Enclosed with this memorandum were Lord Wavell's tel. 172-S of 22 January, Sir J. Colville's tel. 657-S of 9 April, and a memorandum dated 7 April from Lord Wavell to Mr Amery supporting the Government of India's demand for increased imports and concluding: 'I do not think the British Government can get out of their obligation to see that India does not starve, which is greater than their obligation to liberated or conquered Europe.' L/E/8/3326-7.

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and ensures that the wheat required reaches the Canadian ports in time, operational plans will have to be cut down drastically. I send by this bag a note[4] by the Food Department on the subject, which will show how seriously they view the situation. Their recommendation is that the War Board should make it clear that the additional load on India cannot be accepted in the absence of the necessary guarantee of imports of food, and that even the demands of the Defence forces at their present strength cannot be met. Food imports are the first requirements in the way of economic help and relief, which, we stated, were necessary if the additional load is to be accepted. This is clear from Wavell's telegram No. 172–S of 22nd January. Apart from this we are not satisfied that the transport situation, which of course depends partly on coal, is secure enough, in view of our failure to get a firm undertaking about the early import of wagons. I think I shall hold up the meeting of the War Board for a few days to see how the requests for wheat and 100,000 tons of bunker coal are received, because it is fairly clear that in the absence of a satisfactory answer the War Board can only say that the additional load cannot be carried.

3. The long-term proposals of the Sapru Committee came out on Monday and I have telegraphed[5] to you giving you briefly the Press reactions. I do not think that I could usefully comment in much detail, but I put forward the following reflections. At first sight the offer to the Muslims seems a generous one, but it is clear that the Muslim League will insist on Pakistan[6] and that most Muslims are frightened of the condition of joint electorates.[7] The Muslims fear that in a joint electorate, even though seats may be reserved for Muslims, those Muslims will get elected who are acceptable to the Hindus and who may perhaps be bought with Hindu money. Comment in the local Muslim League paper here is that the Sapru plan preserves the balance of power in favour of the Hindus. Apart from joint electorates, the Muslim Leaguers are frightened of the tendency of the Scheduled Castes to support the Hindus. The obvious point is also taken that the Conciliation Committee has made no attempt at conciliation and has merely proceeded without any authority from any of the parties to what amounts to an arbitrator's award. In fact the article in the Muslim League paper is headed "Arbitrary Gents".

It is interesting that the Sapru Committee have decided to include the suggestion that the head of the State might be a Prince.[8] Other interesting points are the proposal that a 75 per cent. majority should be necessary in the constitutional body before any measure can be passed, and that in the event of absence of agreement a decision should be imposed by His Majesty's Government.

In spite of the first reaction of disapproval I suppose it is possible that some Muslims may come to see some good in the Sapru proposals and may wish to bargain on the basis of equality with caste Hindus at the Centre *plus* separate electorates.

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Hallett has sent in an interesting criticism of the interim proposals in the Sapru resolution, and I am sending in this bag a copy of his letter.[9] You will see that for administrative reasons he is strongly against the holding of elections and that, generally speaking, he sees little good in the resolution.

[4] *Ibid.* [5] 668-S of 11 April. L/P&J/8/511: f 25.

[6] Sir J. Colville presumably had in mind Resolutions 4 and 6 of the *Sapru Committee's Proposals for a New Constitution in India* which read:

'Resolution No. 4—Division of India

The Committee, having considered carefully the resolution of the Muslim League, passed at Lahore in 1940, various other resolutions of the League, and the published version of the talks between Mr Jinnah and Mr Gandhi, and having also considered the Rajagopalachari and Gandhi proposals, is emphatically of the opinion that any division of India into two or more separate, independent, Sovereign States is unjustified, and will endanger peace and the orderly progress of the whole country without any compensating advantage to any community, and that the political unity of India should therefore be maintained.'

'Resolution No. 6—Non-accession and secession

No Province of British India may elect not to accede to the Union, nor may any unit, whether Province or State, which has acceded, be entitled to secede therefrom.' *Ibid.*: f 30.

[7] Part of Resolution 9 of the *Sapru Committee's Proposals* read:

'Resolution No. 9—Union Legislature

* * *

(*b*) The strength of the Union Assembly shall be so fixed that there shall be on an average one member for every million of the population.

(*c*) Ten per cent of the total strength shall be reserved for representation of the following special interests: Landholders, Commerce and Industry, Labour, Women.

(*d*) The remaining seats shall be distributed among the following communities: firstly, Hindus other than Scheduled Castes; secondly, Muslims; thirdly, Scheduled Castes; fourthly, Sikhs; fifthly, Indian Christians; sixthly, Anglo-Indians; seventhly, other communities.

(*e*) Firstly, in the case of the Muslim community on their part agreeing to the substitution throughout of joint electorates with the reservation of seats for separate communal electorates, and in that case only, this Committee would recommend that, in the interests of promoting national unity, the Hindu community should agree that in the strength of the Central Assembly excluding the seats allotted to special interests such as Commerce and Industry, Landholders, Labour etc., the Muslim representation from British India shall be on a par with the representation given to Hindus (other than Scheduled Castes) in spite of the great disparity in their respective population strengths.

The Committee desire to emphasise their view that if this recommendation is not to be implemented in its entirety the Hindu community should be at liberty not merely not to agree to a claim for parity of representation, but to ask for a revision of the Communal Award. . . .' *Ibid.*: f 32.

[8] Resolution 8 of the *Sapru Committee's Proposals* laid down three alternative methods for obtaining the Head of the Indian State. These were: (1) election 'by an Electoral College composed of Members of the two Houses of the Union Legislature, either without any restriction as to their choice, or subject to their choice being confined to Rulers of the Indian States having a minimum population, or revenue, or both, to be named in the Schedule to the Constitution Act.' (2) election 'by rulers of the Indian States referred to above from amongst themselves.' (3) appointment 'by His Majesty the King of England on the advice of the Union Cabinet, either without any restriction as to his choice, or subject to his choice being confined to rulers of the Indian States referred to above'. *Ibid.*: f 31.

[9] Dated 4 April 1945. L/P&J/8/511: ff 10–11.

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4. Over the week-end Casey has sent me, and repeated to you, one very long telegram[10] and two others[11] about his political situation. They boil down to a reaffirmation of his opinion that no stable ministry can be found until the Legislature is purged by a general election, and a request that he should be allowed to announce that general elections will take place next winter, and that until then the Section 93 administration will remain. It seems quite clear to me that no announcement can be made at present, and I have telegraphed to you accordingly.[12] One can understand Casey's impatience, as I have little doubt that what he proposes is in fact best for Bengal, but he will have to wait, at any rate until the end of your discussions in London, and even then I should think that an announcement about elections ought not to be made without full consideration and consultation with other Governors.

5. Casey has sent me separately the text of a proposed broadcast about administration. It seems to me rather an awkward time at which to broadcast, since he has to identify himself with the efforts of the late ministry to improve the economic situation and claim progress. But for political reasons he does not mention the ministry and rather talks as though the Government, before and after the change, is the same entity. However, I think it would be a mistake, not to let him have his head about the broadcast, and I have told him I approve. But I have asked him to cut down a paragraph which he wished to include to the effect that he was examining individual cases of detenus and hoped shortly to be able to release a considerable number. This paragraph was alien to the subject of the rest of the broadcast, and I think it would have embarrassed other Provincial administrations. Though the examination of individual cases is a normal routine for all Governors, a public announcement in general terms by a Governor might be interpreted as a new phase, and I have told Casey that I think the Central Government should be consulted officially before any such announcement is made. There have been releases of one or two prominent Congressmen recently, and an announcement by Casey on top of these might give a false impression, and merely assist the Congress in their effort to get back into the limelight.

6. The Commonwealth Relations Department have received from the High Commissioner in South Africa telegrams indicating the uneasiness of the Indian community there about certain proposed amendments to the Housing Act. They fear that the amendments are part of a long-feared scheme for racial zoning. Khare wanted me to telegraph to London suggesting that Smuts be requested to give an assurance. I could not see that the evidence was clear enough to justify the fears of the Indian community, and I told him that I would prefer that he should telegraph demi-officially to Mudaliar and ask him to make the request in his discussions with Smuts. This puts the matter

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on a rather less official basis, and no doubt Mudaliar will make the point tactfully. I expect Mudaliar will consult Wavell before saying anything to Smuts.

7. We have been having strenuous debates in the Executive Council about the industrial policy of the Government of India. This is a very big subject, and I wish it could have been tackled when Wavell was here, but with Dalal going home shortly, and with Raisman, who will assist him in London, leaving this week, it was necessary to take the matter at once. Very large issues are involved, and the constitutional complications are formidable as usual. Dalal and his Department are in favour, generally speaking, of confining State ownership to industries such as ordnance factories and railways, which are already State-owned, and to other key industries for which private capital may not be forthcoming. Ambedkar, with his socialistic ideas, is naturally in favour of nationalising as much of industry as possible, and he was supported by Khare. However, the general view was that State ownership should be confined to the extent mentioned. I think myself that a large excursion into State ownership and management would be disastrous without more experience of running industries. Council were in favour of State assistance to industries in a number of forms, and this was not controversial. What, however, is controversial is the subject of licensing. Planning and Development Department want to license all the industries in a comprehensive list of 20 key industries which they propose by legislation to make a Central subject. Constitutionally this can, of course, be done. They would also apparently encourage the Provinces to license in the Provincial sphere, which covers the rest of industry. Those with industrial experience and interests, such as Benthall and Srivastava, strongly disapprove licensing because they fear that the cumbrous machinery will obstruct the development of industry and lead to intolerable graft and corruption. Wylie has pointed out with considerable force that no scheme of industrial development and control in India can possibly work unless the States come into line. Even State assistance to industries is useless if they are subjected to unfair competition from other industries established under different taxation systems and controls in the States. It will be necessary not only to consult all Provinces on the list of key industries and on the policy about nationalisation but also to attempt negotiation with the States, beginning with the largest. Wylie inclines to the view that he should himself visit the larger States and see what measure of agreement he can secure. He points out that the vast majority of the States, i.e., probably at least 550 out of the total 582, will have to be brought into line by the firm use of paramountcy, and that no negotiations with all the small States would be of the slightest use.

[10] See No. 379. [11] 106 and 107 of 8 April. L/P&J/8/653. The latter is referred to in No. 379.
[12] See last para. of No. 379.

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The Provinces, of course, are likely to raise objections to a scheme of industrial development on the lines proposed. Muslim Provinces may very well hold that nationalisation is preferable to the encouragement of private industries because State industries would have to give a proportion of the posts to the minorities. This point was made forcibly in Council by Muslim Members. Again, the Provinces may very well object to the size of the list of 20 key industries which Planning and Development Department want to make a Central subject. There is a suspicion that a clique of capitalists will gain control of the future Central Government and that the Provinces should resist any extension of their powers. It is all a very tangled business, and I fear Dalal's outline of an industrial policy, which he will take home with him, will be subject to more than one doubtful assumption.

8. The efforts by Gandhi and the Congress to make capital out of the Chimur and Ashti executions have been aided by the action of the Central Provinces High Court in admitting an application for a writ of *habeas corpus*. Apparently the grounds are that the special court which originally passed the sentences of death is no longer in existence and that therefore there can be no legal warrant of execution. I can hardly believe that this contention will finally succeed in the High Court, but even if it does not, there is likely to be an appeal to the Privy Council, and so the scope for agitation is extended. Every form of ingenuity has been applied to secure delay in these cases.

9. I have seen Turnbull's telegram No. 231[13] of 6th April to Abell in which he says that you would prefer that it should be left to you to introduce Dalal to the appropriate people in the U.K., and that I should not write to Dodd, the President of the Association of Chambers of Commerce.

I am afraid I had not made my intention quite clear. I wanted to be friendly to Dalal, of whom I have seen a good deal at Bombay during the past two years, and told him that I knew a few people at home whom he would be likely to meet in the course of his discussions and to whom I should be glad to write a personal letter of introduction. This was an offer from me as a private individual, and I should be sorry to withdraw it now as I think it would disappoint him. Such letters of introduction will of course not be directed to supporting any claims that Dalal may make, or to explaining his mission, but only to secure him a friendly reception socially. I entirely agree with you that we must not appear to be circumscribing Dalal's contacts, and that his official talks must be completely confidential, but I am sure that in meeting business representatives friendliness will pay a very ample dividend.

To make it clear that I am not writing as Viceroy I propose to postpone writing any letters of this sort until I have handed over, and then to give Dalal purely private letters of introduction to the following: Dodd, Sir G. Nelson, Sir Edward Crowe, formerly Comptroller-General of the Overseas Trade

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Department, and Sir Steven Bilsland, my brother-in-law. I am sure you will agree that this will cause no embarrassment.

10. I sent you a copy of my letter of the 6th April to Wavell about Auchinleck's proposal that a Contingent from the Indian Army, the R.I.N. and the R.I.A.F. should go to America. I added the proposal that it would be a good thing if they also visited the United Kingdom. So far as India is concerned I think this is an excellent proposal and that any wails from the Congress about imperial publicity will be more than counterbalanced by the satisfaction of those who take a pride in the Indian fighting services. It would, I suppose, be necessary to consult the Maharaja of Nepal before sending the Pipe Band of the 5th Royal Gurkha Rifles. I feel a little doubtful whether the U.S.A. Government will welcome the idea, but if they do, I hope the scheme will be approved.

11 April 1945

11. With reference to paragraphs 4 and 5. Since dictating this letter I have received your telegram[14] saying that you agree with me on this subject. Casey has also telephoned this morning and has agreed to postpone any announcement, and also to postpone for the present his proposed broadcast about administration.

PS.—With reference to paragraph 2. Since dictating this I have decided to hold a War Board meeting this week as the matter is pressing, and you will have received a telegram before this letter arrives.

[13] L/PO/10/18. [14] See last para. of No. 379.

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Mr Amery to Sir J. Colville

Telegram, L/E/9/1525: f 128

PRIVATE INDIA OFFICE, *11 April 1945, 10.15 am*

240. Your private telegram No. 658-S[1] dated 9th April. Firoz. His point was of course (*a*) that so far as the relation of India to U.K. is concerned the *de facto* position has been much nearer that of a Dominion than is usually realised as Governor-General's overriding power subject to the authority of Secretary of State has never been exercised against Council and (*b*) that the Indian delegation's instructions are from Council and that I have not in fact given any.

2. *Vis-à-vis* the other Commonwealth delegations and later at San Francisco these are good points but as often Firoz has laid himself open to criticism by

[1] No. 380.

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overstating his case and a warning word will be given. Mudaliar has I might add made a most effective impression on Conference.

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Field Marshal Viscount Wavell to Sir J. Colville (via India Office)

Telegram, L/PO/10/25

IMPORTANT *11 April 1945*

SECRET

No. 7903. For Sir John Colville from Wavell. I have discussed problem of commercial safeguard with Secretary of State. He advises that Dalal bring with him concise scrip[t] approved by Executive Council stating (*i*) what he intends to do, and (*ii*) to what extent he is impeded by safeguard sections of Constitution Act. Document of this kind if well-drafted and confined to concrete plan clearly in the best interests of India would help Secretary of State and might be printed here as a White Paper.

2. Secretary of State also asks that Dalal be fully briefed on post-war policy both for shipping and internal air lines. Question of subsidy both for shipping and air lines does not differ in principle from question of individual subsidies and would have to be dealt with at the same time.

3. I suggest you show this telegram to Dalal and inform Council of its contents.

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War Cabinet

India Committee. Paper I. (45) 55

L/PO/6/108c: ff 192–7

NOTE BY THE SECRETARY

WAR CABINET OFFICES, *11 April 1945*

I circulate, by direction of the Chairman, the draft by Sir Stafford Cripps of a Statement which might be made in Parliament which the Committee invited him at their meeting on 10th April[1] to prepare for their consideration.

J. G. LAITHWAITE

[1] During the recent visit of Field Marshal Viscount Wavell to this country His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.

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[2] As a result of these discussions certain conclusions have been arrived at of which I desire to inform this House.

[3] Members will be aware that since the offer of self-government was made to India in March 1942, there has been no further progress towards the solution of the Indian constitutional problem.

[4] As was then stated the working out of a new self-governing constitution for India is a task which can only be carried through by the Indian peoples themselves.

[5] It is a contradiction in terms to speak of the imposition by this country of a self-governing constitution upon India. Such a thing is not possible nor could we accept the responsibility for enforcing such a constitution at the very time when we were, by its purpose, withdrawing from all control of British Indian affairs.

[6] The main constitutional position remains therefore as it was. The offer of March 1942 stands in its entirety without change or qualification. His Majesty's Government still hopes that the political leaders in India may be able to come to an agreement as to the method to be employed in working out that new constitution.

[7] His Majesty's Government is, however, aware that a continuation of the present situation is not helpful, and is most anxious to make any contribution that is practicable to the breaking of the political deadlock caused by the failure to make any progress. While that deadlock lasts social and economic progress is being held up.

[8] The Indian administration, over-burdened with the great tasks laid upon it by the war against Japan and by the planning for the post-war period, is further weighed down by the political tension that exists.

[9] All that is so urgently required to be done for the workers and peasants of India cannot be carried through unless the wholehearted co-operation of every community and section of the Indian people is forthcoming.

[10] His Majesty's Government have therefore considered whether there is not something which could be done in this interim period, pending the formulation of the new constitution, which would enable the main communities and parties to co-operate closely together and with the British to the great benefit of the people of British India as a whole.

[11] To this end they are prepared to make a far-reaching change in the constitution of the Viceroy's Executive. This is possible without making any change in the existing constitution except for one minor amendment to the 9th Schedule to the Act of 1935.

[12] That schedule contains a provision that no less than three members of the Executive must have had at least 10 years official experience.

[13] Under the proposals I am about to lay before the House that clause would have to be repealed.

[1] No. 382.

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[14] It is proposed that the Viceroy should in future make his selection for nomination to the Crown for appointment to his Executive from amongst representative leaders of the main Indian parties in proportions which would give a balanced representation of the main communities.

[15] The new Executive would consist of equal proportions of Muslims and Caste Hindus with the addition of one representative each of the Sikhs, the scheduled castes and possibly of one other minority group.

[16] The method of selection would be from a panel chosen from the Indian political leaders in the provinces and at the centre. From this panel the Viceroy would choose those whom he would nominate to the Crown for appointment.

[17] All the members of the Executive would be representative Indians with the exception of the Viceroy and the Commander-in-Chief who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.

[18] Although the legislative change required is only a minor one His Majesty's Government fully realise, and desire to emphasise, the fact that there lies behind it a very great constitutional innovation.

[19] If the members of the Viceroy's Executive are in future to be more representative than in the past of Indian political opinion (as is the intention) and therefore more responsive to that opinion, they must of necessity carry more influence and wield a greater power than at present.

[20] Though, therefore, the Viceroy's powers will remain nominally unchanged yet there will be a distinct advance towards a greater degree of Indian self-government with a consequent diminution of the arbitrary powers of the Viceroy.

[21] The success of such a plan will depend upon the degree in which responsible Indian politicians are prepared to co-operate with the object of making it a workable interim arrangement.

[22] It is not of course the intention of His Majesty's Government to impose such a change upon any unwilling Indian community. But they express their readiness to make this step forward during the interim period if the leaders of the principal Indian parties are prepared to accept it and to co-operate in the successful conclusion of the war against Japan and in the steps for the reconstruction of India which must follow the final victory.

[23] The Viceroy has been authorised by His Majesty's Government to place this proposal before the Indian leaders immediately upon his return to India. His Majesty's Government trust that the leaders of the Indian communities will be able to respond to these suggestions.

[24] By so doing they will not only be able to make their immediate contribution to the direction of Indian affairs, but it is also to be hoped that their experience of co-operation in Government will expedite agreement between them as to the method of working out the new constitution.

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[25] There are two further changes which His Majesty's Government propose should come into operation at the same time.

[26] The first is that external affairs (other than tribal and frontier matters which must be dealt with as part of the Defence of India) should be placed in the charge of an Indian member of the Viceroy's Executive. This will give the Indian Government control over its own external relations and will enable Ministers with full diplomatic status to be appointed for the representation of India abroad. In addition the Indian delegates to international conferences and meetings will be fully representative of the main trends of Indian political opinion.

[27] Second, it is proposed that in future His Majesty's Government should be represented in India by a High Commissioner.

[28] Under the suggested new arrangement the Viceroy will find it less easy to represent fully the interests of both the British and Indian Governments when matters of difference arise between them. The Viceroy as head of the Indian Government must be primarily interested from their point of view. The High Commissioner will be able to represent directly and exclusively the interests of this country in India.

[29] It must be made quite clear that this plan will entail no change in the responsibility of the Viceroy to the Secretary of State for India and through him to Parliament. Such a change must await the coming into operation of a new self-governing constitution for India.

[30] On the assumption that the Indian leaders will be willing to co-operate in this interim arrangement the Government of India will be advised by His Majesty's Government to release forthwith the political detainees in India.

[31] His Majesty's Government consider, after the most careful study of the question, that the changes suggested are the utmost that is practicable by way of interim progress within the present constitution. None of the changes suggested will in any way prejudice or prejudge the essential form of the new constitution or constitutions for India, but they will enable Indians of all communities to play their part immediately in helping the workers and peasants of India to a fuller and happier life.

[32] His Majesty's Government feel certain that given goodwill and a genuine desire to co-operate on all sides, both British and Indian, these proposals can mark a step forward in the collaboration of the British and Indian peoples towards the self-government of India and can strengthen the influence of India in the counsels of the nations.

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War Cabinet

India Committee. Paper I (45) 56

L/PO/6/108c: ff 189–91

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *12 April 1945*

With reference to the draft Statement prepared by the Minister of Aircraft Production (paper I (45) 55),[1] I circulate for the consideration of my colleagues:

(A) certain points which I have put in a personal letter to Sir Stafford Cripps.

(B) comments by my officials on certain points which seem to them to arise.

L. S. A.

Annexure A to No. 387

COMMENTS CONVEYED PERSONALLY TO SIR STAFFORD CRIPPS

Paragraph 8.[2] I do not think one can be weighed down by a tension. What about "strained by"?

Next paragraph. I think your phraseology may look a little too Communist for some people and may also suggest to the suspicious Indian mind that we mean to discourage their industrial development. I should be inclined to say "All that is so urgently required to be done for industrial and agricultural development and for the workers and peasants of India dependent upon it, etc. . . ."

Paragraphs 27 and 28 seem to me not to put the point sufficiently clearly. The conflict between the Viceroy's duties is really inherent in the present situation as well as under the new arrangement. Nor do I think that we should suggest that the Viceroy is only "primarily" interested in the Indian point of view. What I would suggest is something of the following nature:—

"The second is that in future H.M.G. should be represented in India by a High Commissioner, who will be able directly and exclusively to represent the interests of the United Kingdom to the Government of India. This will make it clear that the constitutional powers exercised by the Viceroy and by the Secretary of State and by Parliament in relation to Indian affairs are concerned with the interests of India and not of the United Kingdom."

Paragraph 30. I think we ought not to lay ourselves open to the demand for the release of political detainees who have also been guilty of actual sabotage and other criminal offences. I should be inclined to word it "all purely political detainees".

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The paragraph itself is, in its present wording, ambiguous. Do you mean that we are going to release the detainees anyhow on the assumption that the Indian leaders will co-operate, or that we will release them if the Indian leaders mean to co-operate. There is a considerable difference between the two and a good many people in this country, as well as in India, would be startled by the idea that they should be released on a mere anticipation of co-operation.

Paragraph 31. I would again omit "workers and peasants" and insert "people".

Annexure B to No. 387

COMMENTS BY OFFICIALS ON THE DRAFT STATEMENT

Paragraph 10. Read "pending the formulation *by Indians* of the new constitution."

Paragraph 12. For "10 years' official experience" substitute "10 years' service under the Crown In India".

Paragraph 18. It does not seem quite accurate to say "There lies behind it a very great constitutional innovation"; and it would be more correct to say either "a great political significance" or "the prospect of a very great constitutional innovation".

Paragraph 20. For "remain nominally unchanged" substitute "remain in form unchanged".

Paragraph 20. Read "with a consequent diminution of the prospect of the exercise by the Viceroy of his power to overrule his colleagues".

Paragraph 22. The questions arise—

(1) Can you impose a change on a *willing* community?
(2) What happens if one of the major communities refuses co-operation?

Paragraph 26. For "Ministers with full diplomatic status" substitute "Ministers fully accredited by the Government of British India only." The reason for this change is that the British Indian Government is precluded by Section 313(5) of the 1935 Act from having any functions in relation to the Indian States.

Note: So far as finance is concerned, the appointment of an Indian Member in charge of External Affairs will have the anomaly—so long as the Act remains unaltered—that the Member, though *ex hypothesi* "political", would not be answerable for his vote, since under Section 67A(3)(vi) of the Ninth Schedule expenditure classified as "external affairs" is not submitted to the vote of the Legislative Assembly.

[1] No. 386.
[2] The form of these references has been altered to refer to the paragraph numbers inserted in No. 386 by the editors.

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Paragraph 27. Although in some directions the appointment of a United Kingdom High Commissioner might seem to be a convenience, it is not consonant with a constitution in which the head is directly responsible to H.M.G., and the position might result that one officer should have specific instructions to press a point on the Government of India and the other officer, equally amenable to instructions from H.M.G., should be in a position to oppose the former.

If the proposal is retained the sentence might be reworded: "that H.M.G. will appoint a High Commissioner in India for the discharge of such functions in connexion with the representation of British interests as it may be decided that the Governor General should transfer to him."

Paragraph 29. After the first sentence insert: "Nor will it affect the relations of the Crown with the Indian States through the Viceroy as Crown Representative. Such changes must await", etc.

Paragraph 30. The action required to be taken for the release of the detainees falls to the Provincial Governments under whose orders they are detained. The question arises whether the release should precede, or be conditional on, an indication of the Indian leaders' willingness to co-operate.

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War Cabinet

India Committee. I (45) 19th Meeting

L/PO/6/108c: ff 170–6

Those present at this Meeting held at 11 Downing Street, S.W.1, on 12 April 1945 at 10.30 pm were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel; Sir Gilbert Laithwaite (Secretary)

The Committee had before them:—

(1) A draft by the Minister of Aircraft Production (I. (45) 55)[1] of a Statement which might be made in Parliament prepared in accordance with the request of the Committee at their meeting on 10th April.

(2) A memorandum (I. (45) 56)[2] by the Secretary of State for India commenting on certain points arising out of the draft Statement prepared by the Minister of Aircraft Production (I. (45) 55).

A general discussion took place. The conclusions reached and the discussion on each paragraph of the draft Statement are recorded below.

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THE LORD PRESIDENT pointed out that Sir Ramaswami Mudaliar and Sir Firoz Khan Noon, who were both members of the Governor-General's Council, were at present in this country, and enquired whether it was proposed that there should be any consultation on this important matter with them? It was difficult, on the one hand, to contend that members of the Governor-General's Council were even now people of great importance, who could not be lightly overridden, and on the other, to ignore them in considering a document as important as the present one, more particularly as he thought that the two Executive Councillors whom he had mentioned were probably aware that proposals were actually under discussion.

THE SECRETARY OF STATE FOR INDIA admitted that the position was one of real difficulty. It should, however, be remembered that the present Executive Council would, under the new arrangements in view, be displaced. If the Viceroy would like Sir R. Mudaliar and Sir Firoz Khan Noon to be informed or consulted, perhaps arrangements could be made for this purpose. But a further complication would be that they would almost certainly be in San Francisco when the proposed announcement was made. The Viceroy's intention was, of course, to inform his Council when he reached India of the conclusions that had been reached and any public statement would have to wait until then. He would be disposed to leave it to the Viceroy's discretion to tell Sir Ramaswami Mudaliar and Sir Firoz Khan Noon if they were here when a decision was taken by the Cabinet.

After further discussion, THE LORD PRESIDENT said that he thought *the general sense of the Committee* was that the point should be put to the Viceroy, but that, as at present advised, any announcement should be made without prior consultation with Executive Councillors who happened to be in this country.

Draft Statement

Paragraph 1. No comment.

Paragraph 2. It was agreed to substitute the words "I now desire to inform the House of the result of these discussions" for the present paragraph 2.

Paragraph 3. No comment.

Paragraph 4. No comment.

Paragraph 5. It was agreed to add at the beginning "while His Majesty's Government are at all times anxious to do their utmost to assist the Indians in the working out of a new constitution".

Paragraph 6. No comment.

[1] No. 386. [2] No. 387.

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Paragraph 7. It was agreed to amend to read "the breaking of the deadlock in India".

Paragraph 8. For "weighed down" it was agreed to substitute "strained by".

Paragraph 9. Amend to read "all that is so urgently required to be done for the agricultural and industrial development and for the workers and peasants of India".

Paragraph 10. Line 2. For "could be done" substitute "they could suggest". Amend to read "pending formulation *by Indians* of the new constitution".

Insert a new paragraph 11 (present paragraph 22) embodying amendments shown below under paragraph 22.

Old Paragraph 11. For "They are prepared to make a far-reaching change" substitute "They would be prepared to see an important change".

Old Paragraph 12. For "ten years' official experience" substitute "ten years' service under the Crown in India".

Old Paragraph 13. Amend to read "If the proposals I am about to lay before the House meet with acceptance".

Insert as new paragraph 15 the present paragraph 23, and renumber the following paragraphs.

Old Paragraph 14 (new paragraph 16). For "representative leaders of the main Indian parties" read "representative leaders of Indian political life".

Old Paragraph 15 (new paragraph 17). THE MINISTER OF EDUCATION suggested that more cautious language would be justified. The words "would consist" would in fact represent the imposition of a decision. It was pointed out, on the other hand, that if there was to be the slightest hope of getting the Muslims to co-operate, the proportions indicated in the draft must be accepted, and that it was important to make this point clear. THE LORD CHANCELLOR said that the sentence should not be less definite than in the draft. We were dealing with what was in effect an award.

Old Paragraph 16 (new paragraph 18). THE MINISTER OF AIRCRAFT PRODUCTION said that he had purposely left the provisions as to the method of the selection of the Executive Council somewhat vague as this was obviously a matter for negotiation and settlement in India, and a degree of latitude was desirable. It was agreed after discussion to begin the clause as follows "It appears to His Majesty's Government that the best method of selection would be".

Old Paragraph 17 (new paragraph 19). No comment.

Old Paragraph 18 (new paragraph 20). Amend to read "Although these proposed changes can be brought into effect with only minor legislative changes, His Majesty's Government fully realise, and desire to emphasise, the fact that they have considerable constitutional implications".

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Old Paragraph 19 (new paragraph 21). No comment.

Old Paragraph 20 (new paragraphs 21 and 22). In discussion on this clause THE CHANCELLOR OF THE EXCHEQUER said he had hoped that we should have anticipated that in practice the exercise of the Viceroy's powers, so long as the representative character of the Executive was maintained, would be limited to such matters as under the Act of 1935 involved the exercise by him of a discretion, an individual judgment, or a special responsibility. Any suggestion that there was likely to be a diminution of the Viceroy's powers would certainly mean that we should be pressed in Parliament as to its extent and exact nature, and we must be clear in our own mind. There was a further very important aspect of this matter. Under the Act of 1935 the Viceroy had a duty to supervise the conduct by Governors of certain matters. Any reference, as in the present draft, to "diminution of the arbitrary powers of the Viceroy" might be read as giving the new Executive the right or the duty to impinge on the control that had hitherto been exercised by the Governor-General over Provincial Governors. It was essential if we had in the Provinces Executives responsible to a legislature, not to put these Executives, headed by a Governor, in any way under the authority of Indians at the centre who were themselves responsible to no legislative body.

After further discussion, the Committee felt that it would be well to reword the old paragraph 20 on the lines that "if the members of the Executive were in future to be more representative than in the past of Indian political opinion (as was the intention) and therefore more responsive to that opinion, they must of necessity carry more influence and wield a greater power than at present", and that a further paragraph should be added to the effect that a new instrument of instructions would be issued to the Viceroy if the present scheme was accepted, which would make clear the exact field within which he would in practice be expected in the future to exercise his special responsibilities.

Old Paragraph 22. The Committee agreed that this should become new paragraph 11.

After discussion the Committee decided, for the words "upon any unwilling Indian community", to substitute "against the wishes of any of the major Indian communities".

Old Paragraph 23. The Committee decided that this should now become new paragraph 15. They thought it unnecessary to make any drafting alteration.

THE MINISTER OF AIRCRAFT PRODUCTION suggested the insertion as *new paragraph 24* of a clause in the following terms:—

> "If such a degree of co-operation can be achieved at the Centre it will no doubt be reflected in the Provinces, and so enable responsible Governments to be set up once again in those Provinces where, owing to the withdrawal

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of the majority party from participation, it became necessary to put into force the powers of the Governors under Section 93 of the Act of 1935. During this period of great stress in Indian affairs it is to be hoped that in all the Provinces the majority party would agree to some participation by the minorities in the Government, thus smoothing out communal differences [and] allowing all the Ministers to concentrate upon their very heavy administrative tasks."

The Committee agreed, subject to the substitution for "the majority party . . . Government" of the words "these Governments would be based on the participation of the main parties".

Old Paragraph 24 (new paragraph 25). No change.

Old Paragraph 25 (new paragraph 26). Insert after "changes which" the words "if these proposals are accepted His Majesty's Government suggest".

Old Paragraph 26 (new paragraph 28).

External Affairs. In discussion on this clause THE MINISTER OF EDUCATION urged that a specific reference should be made to the position of the States, and the suggestion was made and accepted that it should be made clear that the Viceroy would have a special responsibility in matters affecting the Indian States.

THE CHANCELLOR OF THE EXCHEQUER said that we should make it clear that the representatives of India to whom reference was made in the draft, would be appointed with the full concurrence of the Viceroy, and that their business would be properly to look after the interests of India as a whole. He did not see why this should not be covered in the Instrument of Instructions.

The Committee agreed that provision for the point should be made in the Viceroy's Instrument of Instructions.

It was also agreed that in the same connection it would be well to make clear that the Indian delegates were intended to be fully representative of the main trends of political opinion throughout All India and not merely of "Indian political opinion".

Second sentence—before "Ministers" insert "fully accredited".

After "India abroad" insert "subject to a special responsibility by the Viceroy in matters affecting the Indian States".

Old Paragraphs 27/28 (new paragraph 29).

Appointment of U.K. High Commissioner. A general discussion took place on the issues raised by the proposed appointment of a U.K. High Commissioner, in the course of which the following points were made:—

(1) The High Commissioner would be specifically charged with the representation of British interests in India. It would be desirable to define his position and his responsibilities precisely. The decision as to his

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responsibilities must be a matter for His Majesty's Government. The Committee did not favour the suggestion by the Secretary of State's officials that the interests in question should be such "as it may be decided that the Governor-General should transfer to him".

(2) The position of the Viceroy, the U.K. High Commissioner, and the Secretary of State for India must be clearly understood. The Viceroy would be charged with responsibility for watching the interests of India. There would be a field in which His Majesty's Government would need to make direct representations to the Government of India, and these would be made through the High Commissioner. The Secretary of State for India, and not the Viceroy, would be primarily responsible for watching United Kingdom interests, and it should be remembered that the Viceroy would be responsible to the Secretary of State and the Secretary of State to Parliament for the Viceroy's use of his own powers.

(3) It was pointed out, on the other hand, that to declare that the Viceroy was no longer to be responsible for Imperial interests represented a very marked step forward, and that if this was the intention and the effect of the scheme there should be no misunderstanding regarding it.

(4) THE MINISTER OF EDUCATION suggested that we should be exposed to the charge that a major constitutional change was being made and that powers which might be of the greatest value were being removed from the Governor-General without the full significance of the steps being taken being generally appreciated.

(5) On the assumption that the Viceroy was to use his responsibilities in the interests of India, it was suggested that the new Executive Council composed of political representatives but responsible to no legislative body, might well bring pressure on the Viceroy to act in a manner which would not be consistent with the best interest of the Indian masses. It was pointed out, on the other hand, that the Viceroy would in these matters be subject to the instructions of the Secretary of State, and that if the Secretary of State was not satisfied that a particular course was in the interests of the poorer classes, or indeed of India as a whole, it would be open to him to instruct the Viceroy to oppose or override it.

(6) It was suggested that there would be advantage in the appointment of the High Commissioner being made by an authority other than the Secretary of State for India, e.g. the Dominions Office or the Board of Trade.

After further discussion, *the general sense of the Committee* was that while it would be necessary to define with care and precision the position of the High Commissioner and his relations both to the Governor-General and the Government of India and to the Secretary of State, the appointment was a valuable

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and a necessary one which was unlikely to raise high controversy, and that the case for immediate action in respect of it was a good one.

Old Paragraph 29 (new paragraph 27). It was agreed that old paragraph 29 should be expanded to make it clear that no change would be involved in the relations of the Crown with the Indian States through the Viceroy as Crown representative.

Paragraph 30. A general discussion took place as to the *release of political detenus* in India. THE MINISTER OF EDUCATION suggested that if provision was made on the lines of the draft Statement we should be at pains to avoid anything that would suggest that we were relying on detenus who quite recently had been in armed rebellion against the Crown, to form a substantial element in our new government. He would himself have preferred to hold release of the detenus in reserve. It might have a disturbing effect on the Muslims. It was pointed out, on the other hand, that the release of these men sooner or later was inevitable, and that the present was a convenient occasion. We should in any event certainly be confronted by a demand for their release as a preliminary to discussions.

THE SECRETARY OF STATE FOR WAR thought it a material factor that, according to the Viceroy, Gandhi was now beginning to fail. He had himself originally proceeded on the assumption that nothing could be done until Gandhi was dead, but if Gandhi was ceasing now to be an effective force he was reluctantly persuaded that some action would be necessary.

THE LORD CHANCELLOR said that he would like to place on record that he would not himself have wished to recommend action such as the release of the detenus and the connected arrangements save because the general sense appeared to be that something must be done to meet the Viceroy's visit and his requests. On merits he did not think the case was a good one, and he wished to make it clear that what was being done was being done solely in order to meet the Viceroy.

THE SECRETARY OF STATE FOR WAR said that he would himself have preferred, if practicable, to resume a closer control of India. But if the Viceroy was right in thinking (and he believed that he was) that the clock was running down in India, that process could be arrested only by considerable strengthening of the machine. He thought himself on a balancing of the considerations, that in these circumstances, despite the arguments against, a further effort might now be made on the lines proposed. The importance of action was perhaps the greater, given the large number of Americans at present in India and their inevitable disposition to try to pillory our so-called Imperialism. At the same time he wished to make it clear that if there was no response to a move of the order now in contemplation, there should be no question but that that should be an end of any initiative on our part.

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After further discussion, the LORD PRESIDENT:—

(1) Invited the Minister of Aircraft Production to assist the Committee by recasting the terms of the draft Statement in the light of the discussion. Thereafter the Lord President would submit a copy of the Statement to the Prime Minister and consult him on the position generally, with a view to subsequent discussion between the Committee and Lord Wavell before the matter was considered by the War Cabinet.

(2) Invited the Secretary of State for India to arrange for the preparation of a draft of an Instrument of Instructions to the Governor-General.

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Mr Amery to Sir J. Colville

L/PO/10/22

PRIVATE AND SECRET

INDIA OFFICE, *12 April 1945*
Received: 16 April

The discussions on the general Indian problem have been proceeding in the intervals of the Commonwealth Conference and will, I hope, come to some definite conclusion before the end of next week. The differences between the Cabinet Committee and Wavell have narrowed down more to points of method than of real substance and I hope we may have effective agreement by the time the whole matter comes before the War Cabinet. At that stage, of course, the attitude of Winston may still affect the conclusions. At the Commonwealth Conference Mudaliar has done very well indeed and made a great impression on his Dominion colleagues. Firoz, of course, in his usual slapdash fashion, overstated the case about India's having already reached Dominion status.[1] All the same, I think, it is most important from the point of view of the other Dominions and even more of the United States, that it should be realised to what an extent Indian affairs are governed in India by Indians and to what extent also the representatives of the Government of India go to conferences instructed by that Government and without instructions from myself. From the point of view of American opinion, which is always fussing about Britain having six votes on any international organisation, it is important that, not only the Dominion representatives, but also the representatives of India, should speak from the Indian angle and even, if an opportunity arises, not necessarily agreeing on some point with the British representatives. This is, I think, quite likely to happen over the demand for the Middle Powers to have a recognised position on the Security Council.

[1] See Nos. 380 and 384.

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2. I also feel that it might be very useful in India too if there were more recognition of the fact that it is Indian interests which are looked after abroad as well as at home by the Government of India and that India is not in fact being governed from Whitehall in the interests of this country. It is of course perfectly legitimate for Indian critics to say that India's Government is undemocratic, and from that point of view Wavell's desire to have his Executive more representative of national feeling may help the situation. But it is worth while taking every opportunity one can to make Indians realise that their representatives abroad are concerned with Indian interests and not with ours.

[Para. 3, on leave terms for men temporarily employed in Civil Departments, omitted.]

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War Cabinet

India Committee. Paper I (45) 57

L/PO/6/108c: ff 163–6

NOTE BY THE SECRETARY

WAR CABINET OFFICES, *13 April 1945*

I circulate herewith the draft of the Statement which might be made in Parliament revised by the Minister of Aircraft Production in accordance with the decisions of the India Committee at their meeting on Thursday, 12th April, 1945.[1]

J. G. LAITHWAITE

[*For the text of the draft statement see column 1 of drafts set out in No. 411.*]

[1] No. 388.

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War Cabinet

India Committee. Paper I (45) 58

L/PO/6/108c: ff 167–9

NOTE BY THE MINISTER OF EDUCATION

MINISTRY OF EDUCATION, BELGRAVE SQUARE, S.W.1,
13 April 1945

1. It is clear that my colleagues on the India Committee are fully alive to the full import of the suggested plan which it is contemplated the Viceroy may

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take to India for discussion with the Indian leaders. The plan, which is designed to involve the minimum of legislative change, in fact provides a priceless opportunity for Indian politicians to occupy the front row of the stalls in the Indian Central Government with the minimum of responsibility. Provided these politicians ingratiate themselves with the Viceroy they have security of tenure and are not [?to] be responsible to any legislature. They will occupy their prominent and highly influential positions subject only to the good-will of the Viceroy towards them, he himself being responsible to Parliament, which for this purpose is to be animated solely by a desire to further the best interests of *British* India.

2. We all know how we have come even to consider a plan of this sort and there would be no advantage in labouring further one's objections or apprehensions. It appears that those of my colleagues who had anxieties before are now ready, however reluctantly, to acquiesce in such a plan. I confess that my anxieties remain. I must, therefore, set out below quite shortly the only conditions upon which I think such a plan can be entered into without courting disaster.

3. A. I trust the draft Declaration will make it crystal clear, as I believe is the intention of the India Committee, that this plan will not be proceeded with if the major Indian communities object to it. Further, I think the British Government should not proceed with the plan if the *first* reactions are definitely as unfriendly as they were in some cases to the Sapru Committee's proposals.

B. I think it essential that the instrument of instruction to the Viceroy and Governor-General should be reviewed at an early date by Ministers in order that we can see what powers it is proposed that the Viceroy should continue to exercise. I am perfectly ready to subscribe to any undertaking that the Viceroy must have the interests of *British India* at heart and must continue to exercise his special responsibility for the Indian States, but I am equally determined to see that the Viceroy shall have the following types of powers reserved intact:—

(i) A power to intervene and suspend the Constitution in the event of his Ministers taking a line which is calculated to upset the peace and tranquillity of India.

(ii) A power to intervene in the interests of minorities if his Ministry is taking a line inimical to their interests.

(iii) Suitable powers *vis-à-vis* the Provincial Governments, such powers to vest in the Governor-General's discretion.

(iv) Suitable powers to intervene and override his Ministers in the event of an all-India calamity, e.g. famine, breakdown of transport, flood and similar contingencies.

(v) Suitable powers such as we discussed to render a liaison possible between the interests of the States and Princes and those of British

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India in the field of external affairs. (I do not think that the Portfolio of External Affairs will, in fact, though held by an Indian, be a very independent one. The Indians must work very closely with the Viceroy in view of the peculiar position of India at the present time.)

(vi) Special responsibility for ecclesiastical affairs.

(vii) As for Finance, I am not fully conversant with our financial relations with India as I have not had an opportunity of seeing all the papers and being kept abreast of developments. I hardly feel, however, that the whole question of sterling balances can be put in the hands of a High Commissioner who, it was suggested, is to be appointed by the President of the Board of Trade. I should have thought that the Viceroy must have an interest in this, and should not be completely dedicated to taking the Indian point of view. This is a matter upon which the Chancellor of the Exchequer could advise better than I can. There will be advantages in having a High Commissioner, but I am dead against sacrificing the British and Imperial personality of the Viceroy for the purpose of a logical and clearly demarcated line of division of functions between him and the High Commissioner. Similar considerations may well apply to some aspects of commercial policy.

(viii) I leave aside all questions of the Viceroy's special powers for Defence since those are safeguarded in our statement.

C. The other matter upon which I think it essential that the statement should be clear is that we are not framing this scheme in order to entice Congress Ministers into the Central Government. Let us by all means have one or two representatives of the Congress, but let us also have some who are more loyal friends and supporters as well. I understand the Viceroy himself has in mind a representative team. I think it would be highly unfortunate if the idea got about that the Indian Congress are the only political force in India and that this scheme has been drafted in order to lure them into attractive and irresponsible positions of great Power.

There is great advantage in having a more representative Central Government which gives India more pride in her nationhood, but there is grave danger to the Imperial connection if, as a result of our plan, leaders, many of whom were till recently rejoicing in the decline of the British Empire, should now seem to be brought to the front and given power over their own countrymen without much responsibility.

4. I have now summarised the conditions to which I made reference in paragraph 2. It only remains for me to add a word about the Indian States.

The position of the Princes has seldom been less satisfactory. It is not usual for members of the Chamber of Princes to resign in a body. Their grievances have been very much slurred over in our discussions and seem to me to be

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under-estimated by the Viceroy himself. We cannot be too careful of the Princes. We have pledged our word to look after them and I am very anxious lest this plan should cause a further slump in confidence, both with them and with our other friends. I feel sure therefore that every effort will be made both within the boundaries of this new scheme and in general to retain, whether by action or public statement, the confidence of the Princes.

R. A. B.

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Mr Churchill to Mr Amery

L/P&J/8/653: f 127

10 DOWNING STREET, *15 April 1945*

Prime Minister's Personal Minute: Serial No. M.338/5

Reference: Governor of Bengal's telegram No. 105 d[ated] 8.4.45[1]

Secretary of State for India

The India Committee should please advise the Cabinet on this matter. We ought not to be forced by the affairs in one province to alter our policy towards terrorists all over India. To yield in one place is to be forced logically to yield in all.

W. S. C.

[1] See No. 379.

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,

No. 14. *16 April 1945*

The news from Germany is splendid and if the newspapers are right V-Day may be proclaimed before this letter arrives, but I doubt myself whether it will happen for some weeks yet. I see Wavell has flown across to Montgomery's headquarters and I expect he thoroughly enjoyed the visit.

2. The death of Roosevelt[1] was a great shock and in India there have been many tributes both official and unofficial to his memory. We half-masted all flags on Government buildings throughout India on the day when the news

[1] On 12 April.

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was received and again on Sunday, the day of the funeral. On Sunday there were many memorial services and I attended a joint one in the big Church here. Merrell, the American Commissioner, and I sat together and read a lesson each. Auchinleck shared his pew with the senior American soldiers in Delhi at the time. It was an impressive service and I think the Americans were genuinely touched by the evidence of affection shown. Indians have paid many tributes, and at the National Defence Council today I was instructed to send a telegram of sympathy.

3. We are still very worried about the wheat situation and you will have received the telegram I sent off yesterday[2] giving the result of a War Board meeting held on Saturday. We decided that the additional forces involved in the operational plans were not such as to make it necessary for us to say that we could not take the load. The position is that without assured imports of wheat we cannot hold the food situation at all and the increment forces, as apparently the soldiers call them, are quite a minor matter. We realise there is an acute shortage of shipping and that wheat itself is not easy to obtain at present owing to the bad crop in Australia and internal transport difficulties in Canada. But even so it seems to me highly hazardous to attempt to use India as a base for forthcoming operations without ensuring a reasonable degree of stability in the food situation. Although of course we are much better off for rice than we were last year a leakage of information about our shortage of wheat stocks might cause a breakdown of the whole procurement control system and if that happens a famine may well follow in certain areas. At any rate India in that condition would be no proper base for operations against Japanese held territories. The immediate amount of 50,000 tons of wheat is relatively small but we must also have some assurance about the second half of the year. If it is really impossible to do anything about finding extra shipping for the 50,000 tons which we need before the end of May I think we must go to Mountbatten and Auchinleck and ask them to examine how military imports can be cut down in order to make 50,000 tons of shipping space available for wheat. Auchinleck and Lindsell are as strongly convinced as anyone that we must have enough to meet current demands and to hold the situation so that procurement is not prejudiced. I am quite sure that we cannot afford to stop pressing on His Majesty's Government the essential nature of these imports. In the last resort these must come before military imports.

4. The telegram which I sent off after the War Board meeting did not mention our subsidiary worries about wagons and coal, and separate telegrams will have to be sent about them. The wagons are very seriously behind schedule and the help which we had expected by June will not be available till September. Owing to shortage of wagons our railway stocks of coal are dangerously low. They stand at about 15 days consumption at present whereas they ought

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to be nearer 35 days. Benthall stressed the fact that we had never approached the monsoon with stocks anything like as low as this. Last year we had 20 days stock at the beginning of the monsoon. The Supply Department who deal with coal think that it will be hard to build up railway stocks at all before the monsoon and in that case we shall be working on a very narrow margin during the monsoon months. With stocks so low, as Griffin pointed out in the War Board, a strike or the cutting of a line by floods might bring a considerable part of the transport system to a standstill. For instance if we cannot build up coal stocks on the Assam L. of C. any misbehaviour by the Manas river might leave us without coal to work the railway beyond it for more than a day or two. This explains our anxiety about wagons and I am sure you will do all you can.

5. Copies of Woodhead's first report (about Bengal)[3] have been sent home to you. The report is being urgently examined here and the first question is how and when to publish it. I have just received a telegram from Casey protesting against a request that his Government should give their considered views on the report by April the 21st. That does seem rather short notice and there is probably a misunderstanding. But we must certainly examine the report most urgently. I have not had time to do more than read selected passages but it seems to me to be a well constructed report and reasonably objective in approach. It could not be expected to make a complicated story seem simple and straightforward but all the many facets of the disaster have been very carefully examined and I am sure it is a valuable document. There is a good deal of criticism, though in very temperate language, of decisions taken or not taken by the Government of India and the Government of Bengal; also of the weakness of Bengal's administrative machine and of the utter inadequacy of the hospital and public health services of the Province. . . .[4]

6. Bhulabhai Desai asked to see me on the 12th of April and I gave him an interview. He is commonly considered to have developed a swelled head since he put forward his proposal for an interim Government. He said he had called to pay his personal respects and then asked whether there would be any harm in his going away and wished to leave his address so that he could be urgently summoned. I said that I had no idea whom Wavell would want to see on his return and I thought he should not in any way incommode himself! The main

[2] In tel. 697-S of 15 April Sir J. Colville reported that the War Board had decided that India should go ahead with military plans on the understanding that H.M.G. would now undertake to supply the food asked for. In a private telegram (698-S) of the same date he informed Mr Amery that he had been under strong pressure from the War Board to say that India could on no account accept any more troops. A letter dated 16 April from the India Office to the Secretary of the Chiefs of Staff Committee enclosed a copy of tel. 697-S and conveyed the substance of tel. 698-S. See also No. 383, note 3.

[3] *Famine Inquiry Commission Report on Bengal* (New Delhi, 1945).

[4] Personal comment omitted.

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reason for his coming seems to have been a desire to talk to me, or at any rate to announce that he had talked to me, about the Chimur and Ashti mercy petitions. I could not have granted him an interview to discuss this subject and when he brought it up I told him at once that I could not discuss it. However when he went away he immediately got someone [to] put it out that it was understood that the main topic of conversation had been those mercy petitions. Abell tried to get hold of him to warn him against any such statement but according to Desai the message was received too late. However I think that no great harm has been done. The Central Provinces High Court have not yet passed orders about these petitions. A *habeas corpus* application was put in on behalf of the condemned men on the ground that since the court which originally sentenced them to death was no longer in existence there could be no valid warrant of execution. The Central Provinces Government are satisfied that their answer to this point is a good one but we still do not know what the High Court will say and in any case if they reject the application there will no doubt be another application for leave to appeal to the Privy Council. It is most unfortunate that the executions should have been held up in this way as it only gives Congress time for agitation without any new factor regarding the merits of the case.

7. As you will have seen from their letters most Section 93 Governors expect approaches from politicians about the re-forming of Ministries. Rutherford having received a source report that Congress would only come in on certain terms asked me to advise what his attitude should be towards those terms. You have received a copy of his letter[5] and I am sending a copy of my reply[6] which is in brief to "Ca' Canny" pending Wavell's return.

8. Jinnah has announced that he is advised he should rest for three months which he proposes to do. He says there is nothing organically wrong with him but that he is suffering from overwork and strain. He goes on: "For the moment I am not to be on the active list of workers and our soldiers, but I shall always be at the disposal of our people in case of emergency or if necessary for consultation and advice. . . ." This would appear to suggest that if any political changes were contemplated as the result of discussions at home Jinnah would not make his "rest" an excuse for pretending to be beyond communication but I do not feel sure that he would not make diplomatic use of his state of health if he thought it suited him to do so.

9. The Session of the Central Legislature is over and all the Members of the Executive Council and the Officials who are nominated members have heaved a deep sigh of relief. Raisman had to withdraw his Income-tax Bill because the parties in the Assembly would not agree to the clauses by which he sought to strengthen the hand of the Income-tax Department against those who tried to evade the tax. In view of the attitude of the opposition he withdrew the

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whole Bill which contained two concessional items: (1) for exemptions on account of money earmarked for industrial research; and (2) for earned income relief. The relief on earned income is an integral part of the Budget proposals, and is to some extent linked with the war allowance decision. It will have to be brought into force by an ordinance.

The Insurance Bill about which there was such a fuss could not be moved because although the leaders of the parties had agreed in general to its amended form, and the European Group were very anxious for it to become law as amended there was evidence that there would be opposition from backbenches and that the leaders of the Congress and Muslim League parties could not control their parties. I do not know what Azizul Haque proposes to do with the Bill in the next Session if he is still in charge.

There was one bright spot however, Benthall secured quite a triumph by inducing the Assembly to restore a rejected grant. The issue was of post-war road-rail policy and Benthall managed to convince the opposition parties that his proposals which included the taking up by the railways of an interest in road transport companies were for the good of the country. I rather doubt whether any of the Indian members of Council would have been able to get this grant restored in the present mood of the Assembly but they all seem to like Benthall.

10. I told you in my last letter[7] of the discussions in Council about our industrial policy. The final decision was reached in the second meeting after I had written the letter. On the issue of nationalisation the decision was as follows:—

> "Apart from ordnance factories, public utilities and railways, basic industries of national importance will be nationalised if adequate private capital is not forthcoming and if it is regarded as essential in the national interests to promote such industries. For the purpose of Government policy basic industries can be defined as including aircraft, automobiles and tractors, chemicals and dyes, iron and steel, prime movers, transport vehicles, electrical machinery, machine tools, electro-chemical and non-ferrous metal industries."

This decision, which in effect leaves almost all the field open to private enterprise, was not acceptable to members representing minorities because they would like to see a larger measure of nationalisation so as to ensure that the minorities get their share of the jobs created.

State assistance was not a controversial subject and will take various forms.

Licensing is a matter on which the Provinces will be consulted. The list of industries which it is proposed to bring on to the Federal List and to license from the Centre is to be referred to them. The list is a fairly long one and I

[5] Dated 5 April. L/P&J/8/518. [6] Dated 16 April. *Ibid.* [7] No. 383, para. 7.

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attach to this letter a copy of it as an annexure.[8] Dalal said that he would be prepared to shorten the list somewhat and I am certain that the Provinces will want it shortened. I was strongly pressed by Srivastava and Benthall that a really comprehensive system of licensing was impracticable in Indian conditions, would lead to appalling corruption and would be a most serious drag on industry. At the very least they thought that there should be a limit of, say, Rs. 5 *lakhs* below which licences should not be required for extensions, replacements, etc. They also expressed the fear that powerful financial interests might capture the licensing machinery and control Indian industry to their own advantage.

However the decision was to put the list of industries to Provinces and to accept the necessity of licensing as an inevitable corollary of any planning scheme subject to further consideration of the proposal that there should be a lower limit below which licenses need not be taken out.

11. We are considering Dalal's proposals about safeguards this week. I have shown him Wavell's telegram[9] in which it is suggested that he should take home a clear statement of the measures he wishes to take to encourage industry and the way in which the safeguards hamper him.

He will prepare a draft but will find it very difficult to give a really precise statement at this stage. He can give examples fairly easily as regards subsidies, e.g., show that the Indian shipping industry cannot be encouraged without giving subsidies to British interests, but his main fear is of the setting up of new industries in India with a predominantly British interest in them. So far as industries on the Central List are concerned he would like to ensure that at least 70% of the capital is held by Indians. I asked him whether the proposals already filed with the Controller of Capital Issues contained any that were relevant and he said he thought that nearly all applied to minor industries for the manufacture of consumer goods, and that no move had been made about the major industries included in his proposed Central List. If this is correct he will not be able to give concrete examples of the sort of thing he fears.

12. Another important subject that we have just discussed in Council is the policy about civil aviation. The discussion was confused by the fact that Mahomed Usman, who introduced the subject, refused to commit himself to the policy advocated by his own department in the summary to Council. The Department wished to leave civil aviation to private companies working under license and close control, and if necessary with subsidies. There would also be the possibility of State participation if necessary. Mahomed Usman seemed to know that this was the right policy, but he was too conscious of the minority feeling in favour of nationalisation to support his own Department's proposal. Nor, on the other hand, did he insist on his own view being incorporated in the summary. You can imagine what an odd situation this produced in Council,

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and several of the members made a point of baiting Mahomed Usman and adding to his embarrassment. The discussion was on the same lines as the discussion on industrial policy. Representatives of the minorities were afraid that private enterprise would mean that all the employment went to Hindus. After a long meeting, by a majority the department's proposal was accepted, but Council agreed to a proposal by Ambedkar that the companies licensed should be placed under an obligation to train members of all communities and that these trainees should be selected in accordance with the usual communal proportions. This training scheme if properly worked out should ensure that men from all communities are in due course available with the necessary technical knowledge for recruitment to the civil aviation companies. When that position is reached the minorities will no doubt seek to procure that the communal proportions are applied actually to recruitment to technical posts under the companies' control. Council also agreed, as a measure of additional government supervision and as a sop to the minority view, that Government should take a financial interest in the companies and that there should be a Government director; the Government interest should not however be a controlling interest.

13. By the time this letter leaves Delhi we shall have finished the Session of the National Defence Council, which fills the first three working days of this week. I was impressed with the way that Auchinleck handled questions from members about such delicate subjects as the appointment of Indian officers to command battalions. He was perfectly firm on this, and said that so long as he was Commander-in-Chief there would be no question of selecting a man to command a battalion on any other grounds than that he was the best man available. Having said this he went on to make it very clear that he was doing everything he could to bring on Indians so that as large a number of them as possible should be fit for command, and gave figures to show improvement. Auchinleck is clearly very popular with the Council, and he was given quite an ovation when he left.

14. I thought it right to tell the Council, and it seems to me worth while repeating to you, how very warmly Mountbatten spoke to me a few days ago of the co-operation that had been given him by Auchinleck personally. As you know there have been all sorts of irresponsible allegations in the Press that Auchinleck and G.H.Q., Delhi, were hampering Mountbatten. It is clear from what Mountbatten told me quite spontaneously when we were alone that nothing could be farther from the truth and that he has received whole-hearted help from Auchinleck and from the India base as a whole. He added that no small part of recent successes was directly due to this. I was very glad to hear it,

[8] Not printed. [9] No. 385.

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and I think it will do good to Auchinleck also to know that Mountbatten expressed his appreciation so strongly.

[Para. 15, on leave terms for men temporarily employed in Civil Departments, omitted.]

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War Cabinet

India Committee. Paper I (45) 59

L/PO/6/108c: ff 146–52

Revision of the Governor General's Instrument of Instructions

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *17 April 1945*

At the conclusion of the 19th Meeting of the Committee[1] I was invited by the Lord President to arrange for the preparation of a draft of an Instrument of Instructions to the Governor-General. An attempt to do so has now been made with the Committee's discussions and the Memorandum circulated by the Minister of Education (I (45) 58)[2] in view, and the draft is appended to the present Memorandum as Annexure I.

This draft is only provisional, and has not been subjected to the expert legal scrutiny which it would of course require. I think that broadly speaking it meets the intentions of the Committee. But further reflection in the light of this draft has raised very grave doubts in my mind whether if it is legally permissible (which I am advised is a highly debatable point), it is politically desirable to give effect to the purpose indicated in paragraph 22 of the draft statement prepared by Sir Stafford Cripps (I (45) 57),[3] namely, to make clear, by the issue of a new Instrument of Instructions, the exact field within which the Governor-General "will in practice be expected to exercise his special responsibilities in the future". At present, as explained in the note appended hereto as Annexure II, the Governor-General has no "special responsibilities"; this is a term of art in the Government of India Act and relates to certain special powers and duties which it was intended to impose on the Governor-General upon the establishment of the Federation. At present there are a few provisions of the Act in force that empower the Governor-General to act "in his discretion", notably that (Section 54 read with Section 313(3)) which provides that a Governor acting in his discretion or exercising his individual judgment is amenable to control by the Governor-General in *his* discretion: but in all other respects the Governor-General's right to act on his own authority rests on

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certain provisions of the Ninth Schedule and their range is not specifically defined.

The legal difficulty attaching to the draft articles to be added to the Instrument of Instructions (Annexure I) is this. The function of an Instrument of Instructions is to explain and make specific the action to be taken in pursuance of principles which have been embodied in Parliamentary legislation: the Instrument is linked to the statutory provisions but cannot supplement and extend them. But this is what it has been found impossible to avoid in preparing the present draft, which has had to reproduce and elaborate sections of the 1935 Act which have not yet been brought into force. I fear therefore that the draft would provoke much controversy as to its legality.

And that is not the only difficulty. It is not possible to draw up a complete list of all the purposes for which the Governor-General should use his at present undefined personal powers; but any list is bound to be regarded, at any rate by Indians, as exhaustive, and the result would be to bring into controversy the exercise by the Governor-General of his personal powers in matters not specifically enumerated in the list. The political objections are also serious: a detailed description of the manner in which, and of the matters in respect to which, the Governor-General is to exercise special powers would detract substantially from the effect of any gesture made by His Majesty's Government; it would expose far too much surface to criticism; and in so far as it constituted a limitation on the scope of those special powers it would become a permanent handicap on the Governor-General's freedom of action, if the Indian political leaders do respond to His Majesty's Government's gesture, and if not would be interpreted in future as the minimum from which any further "offer" should start.

For all these reasons I now feel that paragraph 22 of the draft statement should be omitted, and that its place should be taken by paragraph 27 of the draft transferred from its present position.

L.S.A.

Annexure I to No. 394

DRAFT AMENDING INSTRUMENT OF INSTRUCTIONS

Whereas We did issue under Our Royal Sign Manual on the eighth day of March, Nineteen hundred and thirty seven Instructions to Our Governor-General of India (hereinafter referred to as the said Instructions), and did amend the same by Instructions issued under Our Sign Manual on the first day of July, Nineteen hundred and forty;

And Whereas it is expedient further to amend the said Instructions in order to make manifest Our desire that during the continued operation of the provisions of Part XIII of the Government of India Act, 1935, and pending, but

[1] No. 388. [2] No. 391. [3] See Column 1 of drafts set out in No. 411.

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without prejudice to, the attainment of that agreement among Our Indian subjects on the form of their future constitution which We are anxious to promote by any means in Our power, the Executive Council of Our Governor-General should be composed as far as may be of persons representative of the main elements in India's national life:

Now, therefore, We do by these Our Instructions under Our Royal Sign Manual declare Our will and pleasure to be as follows:—

It is Our will and pleasure that Article VII of the said Instructions shall be so amended and such additional Articles be inserted thereafter that Our Instructions in regard to the executive authority of Our Governor-General in Council shall henceforth be set forth as follows:—

VII. Our Governor-General shall use all endeavour consistent with the fulfilment of his responsibilities to Us and to Our Parliament for the welfare of Our Indian subjects, that the administration of the matters committed to the charge of Our Governor-General in Council may be conducted in harmony with the wishes of Our said subjects as expressed by their representatives in the Indian Legislature so far as the same shall appear to him to be just and reasonable.

VIIA. In making recommendations for the appointment by Us of the members of his Executive Council and in making temporary appointments thereto Our Governor-General shall be guided by, and shall take all such measures as he may deem appropriate to achieve, the aim and purpose of ensuring that his Council shall represent as adequately and acceptably as may be the main elements of India's national life, and that adequate provision be made therein for the representation of the lesser minorities.

VIIB. In the exercise by Our Governor-General of his powers (hereinafter referred to as the said powers) in respect of any measure proposed before the Governor-General in Council whereby the safety, tranquillity or interests of British India, or of any part thereof, are or may be in his judgment essentially affected it shall be his duty to prevent any grave menace to the peace or tranquillity of British India or any part thereof, whether arising from the operations of any persons committing, preparing or attempting to commit crimes of violence which in his opinion are intended to overthrow the government as by law established, or otherwise.

VIIC. It shall further be the duty of Our Governor-General in the exercise of the said powers so to safeguard the legitimate interests of minorities as to secure, in general, that those racial or religious communities for the members of which special representation is accorded in the Indian Legislature, and those classes who, whether on account of the smallness of their numbers or their lack of educational or material advantages or from any other cause, cannot as yet fully rely for their welfare on joint political action in the Indian Legislature,

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shall not suffer, or have reasonable cause to fear, neglect or oppression. But he shall not regard as entitled to his protection any body of persons by reason only that they share a view on a particular question which has not found favour with the majority.

Further, in the discharge of the said duty Our Governor-General shall secure a due proportion of appointments in Our Services to the several communities, and he shall be guided in this regard by the accepted policy prevailing before the issue of these Our Instructions, unless he is fully satisfied that modification of that policy is essential in the interests of the communities affected or of the welfare of the public.

VIID. It shall further be the duty of Our Governor-General in the exercise of the said powers to safeguard the financial stability and credit of British India and in so doing to see that a budgetary or borrowing policy is not pursued which would in his judgment affect the capacity of the Government of India duly to discharge its financial obligations, including such obligations as may be incumbent on it for the payment of contributions to the Provinces.

VIIE. It shall further be the duty of Our Governor-General in the exercise of the said powers to secure to, and to the dependants of, persons who are or have been members of the public services any rights provided or preserved for them by or under the Government of India Act, 1935, and in the discharge of this duty Our Governor-General shall be careful to safeguard the members of Our Services not only in any rights provided for them by or under the said Act or any other law for the time being in force, but also against any action which in his judgment would be inequitable.

VIIF. It shall further be the duty of Our Governor-General in the exercise of the said powers to secure in the sphere of executive action any of the purposes which the provisions of Chapter III of Part V of the Government of India Act, 1935, are designed to secure in relation to legislation, and this duty shall be construed by him as requiring him to reject the opinion of his Council if in his judgment their opinion would have effects which it is the purpose of the said Chapter to prevent, even though their opinion is not in conflict with any specific provision of the said Act.

VIIG. In the event of Our Governor-General having occasion, in relation to an emergency or otherwise, to act on his own authority and responsibility he shall see that the due discharge of his functions in such connexion is not prejudiced or impeded by any course of action taken with respect to any other matter; and in particular in any matter relating to external affairs he shall ensure that all action taken in the name of Our Governor-General in Council shall be in conformity with the general policy of Our Government in the United Kingdom.

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VIIH. In pursuance of the obligations which We have assumed towards the Indian States We require Our Governor-General so to discharge his functions as to ensure that no action shall be taken by the Governor-General in Council, whether in the sphere of external affairs or otherwise, and that no Bill of the Indian Legislature shall become law, which would imperil the economic Life of any State, or affect prejudicially any right of any State heretofore or hereafter recognised, whether derived from treaty, grant, usage, sufferance or otherwise.

Annexure II to No. 394

SPECIAL POWERS OF THE GOVERNOR-GENERAL

Reference has been made in the draft statement prepared by Sir Stafford Cripps to the "special responsibilities" of the Governor-General. It is important to remember that the phrase has a special meaning under the Government of India Act, 1935, under which the Governor-General's "special responsibilities" are defined in Section 12, that is, in Part II of the Act which *is not yet in force*. At the present there are no "special responsibilities" laid on the Governor-General by Statute.

The "special responsibilities" of Section 12 are to be exercised by the Governor-General of the Federation if and when constituted "in his individual judgment". In addition to the special responsibilities there are other matters elsewhere than in the non-operative Part II in which he is required to exercise his individual judgment. These as well as those specified as special responsibilities all relate to matters in which the Ministers of the Federal Government would be entitled to tender advice.

There are also numerous matters in which under the Act the Governor-General is required to act "in his discretion", i.e. without consultation with his Ministers. The most important of these matters, in the Parts of the Act now in force, is the superintendence and control of Governors when *they* are required to act in their discretion or exercise their individual judgment. He is also required to act in his discretion in regard to the appointment of certain high administrative officers, acting Judges, etc.

It is important to avoid the incorrect use of the technical term "special responsibilities" in connexion with the powers at present exercisable by the Viceroy on his own authority and responsibility *vis-à-vis* his colleagues in the Executive Council. These personal powers have their statutory basis in the following sections of the Ninth Schedule:—

(*a*) Section 40(1) and (2), particularly the making of "rules and orders for the more convenient transaction of business in the Governor-General's Executive Council",

(*b*) Section 41(2); the power to override the Council in any matter coming

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before them "whereby the safety, tranquillity or interests of British India, or of any part thereof, are or may be, in the judgment of the Governor-General essentially affected."

(*c*) Section 72: the power to promulgate ordinances in an emergency.

It follows, for example, from the foregoing that, inter alia, the Governor-General has at present no statutory power or responsibility for the protection of the rights of Indian States as such. It is only through the judicious exercise of his general powers that he is able, as Governor-General, to protect the States.

The same is true of defence and external affairs. Whereas in the Federal Scheme these subjects are reserved to the Governor-General acting in his discretion no such reservation operates at present. Though under the provisions of the Ninth Schedule expenditure on these matters is not subject to the vote of the Legislative Assembly, there is no statutory provision excluding these matters from those coming before the Executive Council. It is by the use of Section 40 of the Ninth Schedule that the Governor-General is able to ensure that defence and external affairs are not subject to discussion by his Council as a whole and that confidential and secret matter relating thereto is not circulated to all the Members.

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India Committee. Paper I (45) 61

L/PO/6/108c: ff 140–1

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *17 April 1945*

I circulate for consideration by my colleagues a note by Lord Wavell commenting on the proposed statement of policy (I (45) 57).[1]

L. S. A.

Enclosure to No. 395

MEMORANDUM BY LORD WAVELL

17 April 1945

1. My chief difficulty in this proposed statement is that it gives away many most important matters *before* the Conference takes place, thus both making the success of the Conference much more difficult, and making concessions

[1] See column 1 of drafts set out in No. 411.

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which will be dangerous if the Conference fails. I am quite clear that any announcement on certain points must be withheld, at any rate till after the Conference, if this is to have a reasonable chance of success.

2. The particular matters to which I refer are the immediate release of political prisoners; the announcement that the Governor-General's powers will be limited by a new Instrument of Instructions; and the proposal to place External Affairs under an Indian Minister.

3. If all the political prisoners are released forthwith, the Conference will take place in a much more difficult and not an easier atmosphere. Certain really dangerous men, like Bose's brother, will have to be kept in detention; and demands for their release might be used to wreck the Conference. It is quite possible that Gandhi, having secured the release of all the prisoners, might consider it better tactics to reject the present proposal and demand something further. I agree that the release of the great majority of the political prisoners will be a natural consequence of the proposed move at the Centre and in the Provinces; but it will be much better if it can follow and not precede the formation of new Governments.

4. If it is announced that the powers of the Governor-General are to be in any way limited, there is bound to be pressure for them not to be exercised at all; or for the exact cases in which they would be used to be defined. Further, the Muslims would undoubtedly be alarmed at the idea that the Governor-General's powers were to be weakened; the same applies to other Minorities.

I am afraid I cannot see the necessity for limiting the Governor-General's powers by any new Instrument of Instructions. The exercise of his over-riding powers by the Governor-General has undoubtedly been made more difficult in the last few years by the increase of the Council and the existence of a non-official Indian majority; this was at least as serious a step towards the making the exercise of the Governor-General's powers difficult as the one I propose. But it was not then thought necessary to make any announcement to this effect or to issue a new Instrument of Instructions. I think the same procedure should be followed now and that the announcement should contain nothing about the Viceroy's powers except Section 27 of the Draft Statement.

5. I am fairly sure that Indians do not really expect the portfolio of External Affairs, or particularly desire it at the moment. It would certainly be much better for [?me] to be allowed to keep it as a possible bargaining counter during the Conference; or as a later development if all went well.

6. I am doubtful about the proposal to appoint a High Commissioner in India, and would much prefer that this should be left for later development, after the new Government has been formed.

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7. I think it is very inadvisable to announce in advance the proposed composition of the Council (paragraph 17). [In] actual practice I should anticipate very little difficulty in agreement on this point when the Conference actually took place; but to announce it beforehand would arouse a very great deal of press comment and objections, e.g. from the Mahasabha, and claims from all sorts of Minorities for representation.

8. I am not clear from paragraph 18 exactly what method of forming the Conference is in the mind of the Committee but I gather that they would propose to allow me liberty to invite those to form the Conference. I should like [to] discuss this matter further with the Committee.

9. Generally, it appears to me that if the Committee accept in principle the advisability of a step forward [of] the kind I propose, they must give the man on the spot latitude as to how the Conference is formed and the best procedure to be followed, so as to have a reasonable chance of success. Negotiations to form a new Government will [be] very difficult and delicate, and it will certainly prejudice their success if large concessions are announced beforehand. It will be a difficult hand to play and I do not want to have to do it with my cards exposed on the table.

W.

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War Cabinet

India Committee. I (45) 20th Meeting

L/PO/6/108c: ff 124–39

Those present at this Meeting held in Conference Room 'B', War Cabinet Offices, S.W.1, on 18 April 1945 at 9.30 am were: Mr Attlee (in the Chair), Sir John Anderson, Viscount Simon, Mr Amery, Sir James Grigg, Mr R. A. Butler, the Earl of Listowel, Field Marshal Viscount Wavell; Sir Gilbert Laithwaite (Secretary)

The Committee had before them the revised draft of a Statement to be made in Parliament (I. (45) 57)[1] and memoranda by the Secretary of State for India on the revision of the Governor-General's Instrument of Instructions (I. (45) 59),[2] suggesting amendments to the proposed Statement on Indian Policy (I. (45) 60),[3] and covering a memorandum by Lord Wavell (I. (45) 61).[4]

[1] See Column 1 of drafts set out in No. 411. [2] No. 394.

[3] India Committee Paper I(45)60 of 17 April consisted of a list of amendments which Mr Amery felt should be made to the wording of the revised draft declaration then before the Committee. The bulk of Mr Amery's suggested amendments are incorporated in the further revision of the draft declaration given in No. 400. L/PO/6/108c: ff 142–5.

[4] No. 395.

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A. GENERAL DISCUSSION

Lord Wavell and the Committee's Draft Statements

MR. ATTLEE said that the Committee had been anxious to have a discussion with Lord Wavell on the suggested draft (I. (45) 57) of a statement to be made in Parliament. That statement had not yet been approved by the Cabinet, but represented the proposal which the Committee had it in mind to make to the Cabinet. The memorandum commenting on it which Lord Wavell had circulated under I. (45) 61 was, however, in effect a very flat rejection of the suggestions of the Committee and urged strongly in conclusion that the procedure and handling of these matters should be left to the man on the spot. He wished to make it clear that there were two spots to be considered—India and the United Kingdom—and that at this end Parliament was of great importance. While he quite accepted that the scheme originally put forward by the Viceroy might in the Viceroy's view be satisfactory from the Indian standpoint, the Committee had already indicated the objections they saw to it: and he felt that flatly to negative the alternative suggestions which they had put forward, and to reiterate the original plan, gave them less help than they could expect. If we were to avoid an impasse he must ask for the Viceroy's assistance. Weight must be given to the fact that the Government here had to take responsibility in Parliament for any forward steps, and that, especially as some of those proposed might in their view have very awkward repercussions, it was essential to avoid the suggestion that anything had been done furtively and behind the back of Parliament.

LORD WAVELL said that he wished to avoid the adoption of a form, or procedure, which he thought would reduce his chances of success in forming the government which he had in view. While he could only speak from the Indian angle, he felt very strongly in the light of much recent experience of India that the announcement proposed by the Committee would make almost impossible the step forward which he thought he was right in judging that the Committee desired, and would result in our giving away a great deal in return for which we might get nothing. Thus, if we were at the outset to agree to the release of political prisoners, Congress, having secured a concession to which they attached so much importance, and judging that H.M.G. were in a yielding mood since they were prepared to limit the powers of the Governor-General, would press as a condition of coming in for concessions in other directions in excess of what we could concede.

The step he proposed was strictly limited. It involved no alteration in the Constitution, and no more than an alteration of personnel at the Centre. It had in his opinion been a far more serious step when the Council had been given, some years ago, a non-official Indian majority; but it had not then been thought necessary to tell Parliament that the powers of the Governor-General were

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being limited, though in fact some limitation was in practice involved, or to draw special attention to the implications of the step. His present Council was very dependent on Indian public opinion. In any circumstances it was under pressure from the political leaders. To replace it by representatives of the political parties was obviously an experiment not without possible danger, though he hoped that it would turn out all right. But the first step, and a very difficult one, was to get this government formed at all, on the right lines, and with the right people. He had to try to do this, and thereafter to handle the resultant government, and he thought that his views as to the method offering the best chance of success ought therefore to carry much weight. The method advocated by the Committee would make the position difficult for him. He realised the Parliamentary difficulties to which attention had been drawn. But he felt that an announcement simply saying that the Viceroy was making enquiries with a view to forming a representative government, without entering into detail, would meet the case, and that a fuller announcement could best be made after the formation of the new government. At once to give away the position and to fail to secure a reconstituted government would be fatal.

SIR JOHN ANDERSON said that he did not accept the analogy between the present proposals and the previous expansion of the Council. All that had then been involved had been the increase of the non-official element. We were now dealing with a proposal to constitute the Council of persons who would derive their strength from political parties outside, and the feeling of the Committee was that the method proposed by the Viceroy would in fact represent a constitutional change.

MR. AMERY suggested that there was no real difference of view between Lord Wavell and the Committee. All that was in issue was the terms of the statement to be made and the method in which it should be made. The Committee, he thought, felt that the constitutional importance of the step should be emphasised at the appropriate stage. But the initial step would be to authorise the Viceroy to negotiate with leading political representatives in India with a view to the reconstitution of his Executive. If he succeeded we should then make it clear to Parliament how the position stood, and the constitutional effect of the action that had been taken. Was there really any need to inform Parliament of all this before negotiations started?

SIR JOHN ANDERSON said that he could not accept Mr. Amery's construction, which seemed to him to miss the real centre of the difficulty. He thought that he himself perfectly understood the Viceroy's point of view; he was not claiming in any way to set himself up as a rival authority, or to argue against the fullest latitude being given to the Viceroy, and his mind was quite open on the matter of procedure. The difficulty was that the Committee and the Viceroy

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were fundamentally at issue, since the Committee had not been able to convince Lord Wavell that his scheme was fundamentally different from anything that had previously been done. Lord Wavell had remarked that his present Council was sensitive to public opinion. He fully accepted that that was so. But the present government was not put forward as deriving its strength from political associations. The Viceroy's scheme represented a step such as had never been taken before, which, from the point of view of Parliament, must be regarded as a complete change. To endeavour to put into the Executive Council persons who would be trusted with authority due entirely to their representative capacity was a fundamental change. If the Committee could not convince the Viceroy that they were right in holding that view no progress was possible. If, on the other hand, they could so convince him, then he (Sir John Anderson) personally would do his best to find a way of so presenting the matter as to make it a success. He well knew the position and the difficulties of the man on the spot, and he was not for a moment endeavouring to put his own personal judgment ahead of the Viceroy's. But despite his relatively short Parliamentary experience in this country he held very tenaciously to his view of the political implications of the change which the Viceroy wished to see made. That was the real issue. The question of form, the details of procedure and timing, etc. were all subordinate to it.

LORD SIMON said that he agreed with the Chancellor of the Exchequer. He was not clear as to the view of the Secretary of State for India. Did he think that this proposal involved or did not involve an important constitutional change?

MR. AMERY said that in his view what was involved was an important development of what had already taken place, and which did involve constitutional implications. The question was really one of degree. The new members of the Executive Council would be more responsive to public opinion, would command more public support, and might well be more difficult for the Viceroy to handle. The extent of the effect would turn on the personality of the Viceroy, the issues that were likely to arise, and the like. Let us avoid sterile argument as to whether a constitutional change was involved or not. We were taking an important and grave step forward on the road on which we had already embarked, and on which two years ago we had been prepared to go still further. If we accepted that the thing was worth doing, we could consider its presentation and handling separately.

LORD SIMON said that the Viceroy had explained that he would expect an announcement in Parliament but would prefer a shorter one with no constitutional tinge. The worst thing that could happen would be that we should announce the effort we were going to make, and that it should then fail, and he felt very little doubt that it *would* fail. He did not believe that the Muslims

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would co-operate on the basis in view, though on that he might be wrong. The risk of failure was the same whether the announcement was a short or a long one. The Committee's proposal was, not to decide definitely that we were going to make a constitutional change, and to ask the Viceroy to carry it out, but that they were ready to see an attempt made which would involve certain consequences.

LORD WAVELL said that he agreed with Mr. Amery that what was involved was not a constitutional change, but merely a development. His present Council were already responsive to public opinion. They were not responsible to a legislature: nor would the new Council which he was anxious to be allowed to appoint be so responsible. No alteration in the Constitution was involved, and that was the whole point of his proposals. The danger, as he had admitted, was that pressure from outside on the Council would be much greater than it had been. But it was quite considerable even now. This was merely a development and no more than what H.M.G. had offered in 1942.

SIR JOHN ANDERSON said that he was sorry to be unable to agree with the Viceroy that no constitutional change was involved. The Governor-General's present Council was certainly sensitive to public opinion, but no more than that. Nor could he accept that no more was now involved than the Cripps offer. While the Secretary of State for India took a different view, the view of the Committee, including Sir Stafford Cripps, which had been responsible for formulating that offer, did not support that construction.

SIR JAMES GRIGG said that he had been disposed to query the Viceroy's fundamental thesis that something must be done. India had never been so quiet or Congress prestige so low. Our policy had been that we would do anything that Indians would agree on. The Indian attitude now was that as they could not agree, a Constitution which gave India a greater measure of freedom must be imposed by this country. But, as had been pointed out in the discussions in the Committee, that was a contradiction in terms. He was not himself altogether easy about the form of the Committee's own proposal, since it had the appearance of a quasi-arbitral solution. The Viceroy's plan was to initiate negotiations, which would not, he feared, in practice stop at the reconstruction of the Executive Council, but would involve Lord Wavell in a long negotiation which would have the additional demerit of leaving us on the bad ground, whereas under our proposal it would be the Indians who were on the bad ground. Negotiations of this type could not but raise the stock of Congress, and he attached the more importance to that since on the information available to him the position and prestige of Congress was lower than it had been since the early 1930s. He was disturbed, too, at the progress made by the Marwaris in establishing their control in India, and was apprehensive that the plan put forward by Desai was part of this campaign.

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MR. BUTLER said that the Viceroy wanted to do something at the centre, and in the process to secure some relaxation of the present political tension and to associate the leaders of Indian thought and politics with the government of the country. The Committee were anxious that the nature of the change should be defined, and that in making it we should be perfectly straightforward and honest with Indians and with this country alike.

He disagreed with the Viceroy about the limitation of the powers of the Governor-General. That was not the object of the Committee. Its object was to define, perhaps in an Instrument of Instructions, what those powers would be, and to tell Parliament precisely what was going to happen; and he still thought we should make a frank statement in advance and avoid blurred outlines.

As regards External Affairs, he had not wished to transfer them to an Indian Minister. But he had found the Chancellor of the Exchequer's argument on that point—that Indian representatives on overseas conferences did not to-day represent India's nationhood—convincing. It was for that reason that the Committee had made their proposal for a transfer, a proposal which was intended again to define and not to leave blurred the advance proposed by the Viceroy.

MR. ATTLEE said that a change in the Government of India Act and in the structure of Government was involved, because it was proposed to amend the Ninth Schedule so as to omit provision for a minimum of officials. That was a substantial alteration. If the Viceroy were now to go forward and reach agreement with political leaders, was the Government here to go to the House of Commons only after agreement had been reached, and say that a change of this nature must now be made because the Viceroy had been in negotiation with Indian politicians and had reached certain agreements with them? He thought himself that considerable difficulty might be anticipated over any amendment of the Ninth Schedule, and that it would be fair to the House to make the position clear in advance.

LORD WAVELL referred to the possibility that if there was a debate before negotiations were undertaken the House might turn the whole proposals down. SIR JOHN ANDERSON pointed out the difficulty arising from the fact that control in this matter rested with the House and not with Ministers.

LORD SIMON suggested that the question to which the Committee were addressing themselves might be summarised as follows:—If we assume that the action proposed by the Viceroy could be taken, do we want it taken?

MR. ATTLEE said that the alternatives were (*a*) as proposed by the Committee, to tell Parliament clearly in advance what was intended, the limitations on it, and that the invitations to join the Council would be under the present Constitution and guarded about by provisions; (*b*) that the Viceroy should go

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into negotiation with an undefined position. If the latter alternative was adopted, the Viceroy, with the best will in the world, would find himself manoeuvred into a position in which he would have conceded practically all power to the political parties.

SIR JOHN ANDERSON said that while the Viceroy's position might now be a defined position, it would inevitably be changed in many respects. The Committee were anxious to make sure that it should not be changed in every respect. He suggested that we should first look at the substance and thereafter consider questions of timing and procedure. Though with great reluctance he would himself, as a result of full consideration, be prepared to support the Viceroy's view that something of the kind he had in mind had to be tried. He was brought to that position after mature reflection. But he felt at the same time that the change which the Viceroy was proposing was much more significant than he suggested. He would, however, support it, with certain safeguards in substance, for he felt the difficulty of asking Lord Wavell to return to India and say that he had seen His Majesty's Government and discussed the position with them but had brought back nothing in consequence.

B. CASE FOR SPECIFYING IN INSTRUMENT OF INSTRUCTIONS OR OTHERWISE THE POWERS TO BE RETAINED BY THE GOVERNOR-GENERAL

The Committee next discussed the desirability of specifying by an Instrument of Instructions or otherwise the powers to be retained and exercised by the Governor-General in the event of the scheme coming into being.

LORD WAVELL said that he saw great difficulty, on which he had touched in paragraph 4 of I. (45) 61, once we started to define the Viceroy's special responsibilities or to limit his powers.

MR. AMERY enquired whether the Viceroy's position would be strengthened or weakened by a definition of his powers? Surely the very uncertainty as to whom he could get in to the new Council made it unwise by specifying precisely how the new proposals would affect his powers to risk frightening in advance parties who might otherwise be ready to co-operate? The generality of power was better left where it was. If it had to be redefined that could best be done after the Viceroy's negotiations had succeeded. If the question of minorities was raised in the House, the answer would be that their position was covered by the present powers of the Viceroy. He did not himself think that real difficulty need be anticipated with the House if they were told that the Viceroy had been authorised to open negotiations.

MR. ATTLEE said that the Viceroy was reluctant to see anything more than the merest indication given to Parliament of what was involved in his proposals. He felt himself that it would not be possible to avoid debate or discussion

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in Parliament on this point, when the Secretary of State would have to make the position clear. But in any case the point was bound to be raised in discussion by the Indian leaders, who would require to know what their position would be *vis-à-vis* of the Viceroy, and the Viceroy would have to be ready with an answer. With no clear line defined the tendency would be to take refuge in general statements, and the Viceroy would find himself slipping gradually into the position of a Dominion Governor-General and gradually yielding to pressure in order to avoid a breakdown.

MR. AMERY said that as regards Mr. Attlee's last point, the Viceroy must have instructions not to give way, as in the case of Sir Stafford Cripps.

SIR JAMES GRIGG felt that the Secretary of State in the debate would have to give an assurance that nothing would be done in this matter without the consent of Parliament, which would emphasise again the subordination of India to the British Parliament. That was inherent in any procedure of the nature of negotiations. But who, after all, was responsible for the present deadlock? It was the result of the inability of Indians to agree on anything among themselves, and in those circumstances we were entitled to make an offer as near as possible cleanly [?clearly] defined, and not meant as a starting point for a further long series of negotiations and conferences which would be disturbing to the whole administration of India.

SIR JOHN ANDERSON said that the position was not comparable to that which had arisen when the numbers of the Governor-General's Council had been expanded. There had been no negotiations then, for all the new members were exactly the same type as had been represented in the Council from non-official sources in the past. But if we now said that the Viceroy was to nominate after consultation with representative organisations, and so that the effective power of appointment was no longer to rest with the King, he thought that that would bring out very clearly in Parliament that something was happening of which they would wish to be better informed, with the result that there would be much pressure on the Secretary of State in debate.

LORD SIMON said that Parliament would, he thought, remember that Sir Stafford Cripps had gone out with a document of authority from His Majesty's Government, which was published immediately after his arrival. We knew what had then occurred. Congress had at once tried to tempt Sir Stafford to go beyond his instructions in order to secure an agreement. He had refused to be drawn. Was it really the case that the Viceroy's position would be safer or easier in the absence of a precise definition of where he stood, which would enable him to point to the limits beyond which he was not authorised to make any concession? We might be certain that the Indian politicians would use their great skill in negotiation to the utmost limit, and would take the line that they

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were prepared to join subject to this qualification or that. The Viceroy in such circumstances, unless definite and specific limitations were laid down for him in advance, would have no limit of authority or framework within which to operate such as had been of such value to Sir Stafford Cripps.

MR. AMERY thought that we should break on the general existing authority of the Viceroy. If the Viceroy went out on the basis of his existing authority and said there was nothing doing beyond this, we should be in a much safer position than if we tried to re-define his position as in the proposed revised Instrument of Instructions. He himself thought that the effect of a detailed Instrument of Instructions would be to weaken, not to strengthen, the Viceroy's position. So far as the House of Commons was concerned, he would be better able to handle a debate on the basis of the present Clause 27 of the revised Statement circulated under I. (45) 57 than on a precise specification of the powers to be retained or exercised by the Viceroy.

C. MINIMUM MEASURE OF AGREEMENT TO BE REQUIRED BEFORE PROPOSALS COULD BE REGARDED AS ACCEPTABLE TO HIS MAJESTY'S GOVERNMENT AND PUT INTO OPERATION

SIR JAMES GRIGG enquired what measure of agreement would be required before any proposals that might emerge from the Viceroy's discussions could be regarded as acceptable to H.M.G. and admitting of being put into operation. Would the agreement of both the Muslim League and Congress be necessary? If not, what was the minimum? The draft Statement proposed by the Committee (I. (45) 57, paragraph 11) contemplated that no scheme would be imposed against the will of the major communities, and this would not be consistent with going ahead in face of the opposition of one of them. The only change worth while was one that would get us out of the deadlock and so help India to her ultimate goal.

LORD SIMON said that we had consistently proceeded on the principle that the proposals would fail unless the two major communities joined, and therefore that we could not have Congress without the Muslim League or vice versa. MR. BUTLER and SIR JOHN ANDERSON confirmed that this was the case.

LORD SIMON left the meeting at this point.

LORD WAVELL said he had thought that if one majority party refused, he would be prepared to carry on with the other party *plus* representatives of the community to which the majority party, which had not been prepared to co-operate, belonged. There was the possibility that he might secure one majority party, and that while Official Congress might refuse, the party might split, and representative members of Congress might break away and be prepared to co-operate. He would, however, be prepared to accept it if H.M.G. laid it

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down that nothing was to be done unless both the major political parties came in officially.

SIR JOHN ANDERSON said that the essence of the Committee's plan had been to get both parties in, and not to go ahead otherwise. He had never concealed from himself the danger if we were able to secure the adhesion of both the major parties we might, if one of them were thereafter to break away, have a difficult problem in deciding what was to happen to the balance and whether they were to be allowed to carry on the Government. They would certainly urge in such circumstances that they had stood by the Governor-General and press to be allowed to remain in office.

There could, he thought, be no question of having only the Muslim League without Congress. The Cripps offer had broken down because, though the Muslims were prepared to come in, Congress had declined. If, on the other hand, we found ourselves in a position to say that we had the support of really representative leaders of the main communities able to speak on behalf of those communities, the matter might be easier. But we should have to be quite clear that these were people deriving real strength from their place in their community, and no scheme would be worth while unless it embraced really representative leaders of both communities capable of taking responsibility in that representative character. If, for example, the Congress were to say that they were doubtful about the new scheme, but that they would not condemn it out of hand and would be glad to see certain individuals (whom they might indicate) in the Council, well and good. If, on the other hand, they took the line that they would have nothing whatever to do with the new scheme, on the ground that particular demands which they might put forward had not been conceded, then he felt that our line must be that there was nothing doing on that basis. There was no doubt room for enquiry on that issue on the spot. But the substance of the proposal was absolutely clear. It was essential that we should have the support of the major communities through persons able to speak and act with authority on their behalf in a representative capacity.

D. POINTS RAISED IN LORD WAVELL'S MEMORANDUM (I (45) 61)

The Committee proceeded to consider the following specific points raised in Lord Wavell's note circulated under I. (45) 61.

I. Release of Political Prisoners

LORD WAVELL said that he had expressed in his memorandum the difficulties he felt about releasing all political prisoners forthwith. This was a matter on which he felt that the judgment of the man on the spot should carry weight. At present there was a six-monthly review of prisoners detained and release had gone very far. Four of the Working Committee had been released over the last 12 months; the total number of persons detained had been reduced

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from 4/5,000 to about 1,300; and there was a continual and careful process of sifting. But that was very different from a general gaol delivery. Apart from the fact that he would have to define more precisely what a "political prisoner" was, since at present it would include persons like the Hurs, there was the danger that some of these people if now released would queer the pitch, and the unfortunate effect which a general gaol delivery would have on the whole atmosphere and particularly on the Muslims and the minorities.

SIR JOHN ANDERSON said that as the Committee saw it there was an absolute minimum to which the Viceroy must be prepared to agree, viz. the release of any non-terrorist political prisoners whom the leaders of the Congress Party might say they would want for purposes of consultation, though admittedly if that minimum was accepted, Congress could make us go as much further as they wished by enlarging the circle of persons with whom consultation was desired. While the Viceroy had indicated his reluctance to release Sarat Bose, since he had been in relations with the Japanese, he thought himself that even in a case such as this it would be very difficult to refuse release if the Congress leaders asked for him and if refusal was to mean the risk of a breakdown. He reminded the Committee of the precedent of Ireland in 1921 where Arthur Griffith had asked for the immediate release of certain individuals, who were immediately enlarged, their release being followed by a general release.

MR. AMERY said that his own judgment had fluctuated. At first he had been against release. Subsequently he had thought it definitely better to release all political prisoners at once. Since then he understood that Lord Wavell had seen his Home Member, Sir Francis Mudie, who doubted if release would help the forthcoming negotiations. These prisoners were now all in the charge of their own provinces. If the political leaders were prepared to play on a scheme of the type now in view, and provincial governments were in consequence restored, those governments would probably release these prisoners. He himself agreed with the Chancellor of the Exchequer that anyone required for discussion should be released unconditionally. But he would leave it to the Viceroy and the governors to decide whether to go beyond that, and he would anticipate no difficulty in justifying such a policy in Parliament, though he quite recognised that Parliament would be sensitive on the matter.

MR. ATTLEE said that he had two points to raise. In the first place, if we took a stiff line over the release of these prisoners we might look foolish if, having declined to release certain political prisoners, a leader such as Nehru was immediately after appointed to the Governor-General's Council. Secondly, the Viceroy would, he felt, be on difficult ground if, as he understood, he proposed to leave free men now released for consultation, even if the consultations came to nothing, while holding political prisoners who had not been so released. It would be difficult in such circumstances to justify the continued imprisonment

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of the remainder. While great importance must attach to the judgment of the man on the spot, weight had also to be given to the reaction of any decision on public opinion here.

LORD WAVELL said that he was alive to the difficulties. He would however see the strongest objection to releasing Sarat Bose. Nor could he accept the principle that anyone who was asked for should automatically be released. He would himself prefer to say nothing before negotiations started about the release of political prisoners, and to proceed on the Irish precedent quoted by the Chancellor of the Exchequer under which certain individuals were released for consultation when asked for and a general release followed.

II. Transfer of External Affairs

LORD WAVELL said that, as explained in paragraph 5 of his memorandum, he did not think that Indians really expected the portfolio of External Affairs, or indeed particularly wanted it at the moment. He would much prefer, if he could, to keep this as a possible bargaining counter during the conference, or as a later development if all went well. Even with an Indian minister in charge of External Affairs India would not be her own master in that field. He did not himself disagree with the feeling of the Committee on this matter—he had indeed for over a year been anxious to move in this direction, but he had wished to do so more gradually—perhaps as a first step by the appointment of an Indian as Secretary in the External Affairs Department. He agreed that it would be a logical development that External Affairs should be handed over to an Indian Member, and he had considered the possibility when the time came of combining the portfolios of External Affairs and Commonwealth Relations, since an External Affairs Member would have relatively little to do. But for the purpose of the present negotiations he would much prefer to keep this concession in reserve, and perhaps to have some latitude as [to] when it would be made. There were, too, certain practical difficulties in having external affairs in the hands of an Indian member which might react on His Majesty's Government.

If the point was raised with him in negotiations he would aim at avoiding conceding it if at all possible. If it was pressed, he would take the line that something of this nature would be a logical development, but that it would surely be better to get the new Government formed, let it work as a whole for a while, see what were the problems in the external affairs field and how far they were dealt with in Council, and consider how best to handle the matter.

Lord Wavell added that his desire to see an advance in this field had already been shown by his request that Sir G. S. Bajpai should be given ministerial standing at Washington.

SIR JOHN ANDERSON said that he himself had been strongly opposed to that proposal, and to giving Sir G. S. Bajpai the appearance of diplomatic status,

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while things remained as they were. His grounds were that it would be regarded as an unworthy attempt on our part to make things appear what they were not.

MR. AMERY explained that at the moment external affairs were in the field of the Governor-General in Council, but that the member in charge (actually the Viceroy) need not, under the Rules of Business, bring matters in his portfolio before the Council unless he wanted to, or unless a difference had arisen with another Department of Government. The creation of a Member for External Affairs would thus involve no technical constitutional change.

As regards the effect on the States of the creation of such a post, the present authority of the Governor-General as Crown Representative would be used to protect the interests of the States in the field of external affairs. But he would remind the Committee that the Governor-General had no statutory responsibility for the protection of the rights of the States as such, because the second stage of the Act of 1935 had not been implemented.

He agreed with the Chancellor of the Exchequer that we could not put up a case that would hold water for diplomatic representation for India abroad unless we could say that external affairs were discussed in the Executive Council under the care of an Indian minister. But he did not think that it was necessary to announce that it was our intention to hand over external affairs in advance of the Viceroy's negotiations, and felt that there was much to be said for leaving it to him as a bargaining point. If it could be conceded in deference to the view of the new Council, that might have a valuable effect in keeping them sweet. Surely all that was necessary was that there should be an understanding now that this was a subject that on merits should be taken up at some stage?

SIR JOHN ANDERSON said that as regards the position of the States it was clear that States interests must be reserved to the Viceroy. As Crown representative it was his duty to see that the provisions of our treaties with the States were carried out, and the Viceroy in that capacity had, he thought, a position even stronger than a statutory position would be, though he might not have it in his capacity as Governor-General.

LORD WAVELL said that he felt himself that it would be better if certain concessions such as the release of prisoners, the appointment of a Member in charge of External Affairs, etc. were made after the new Ministry had been formed and could be attributed to them, though he quite recognised the disadvantages of being forced to make a concession over the transfer of External Affairs as the result of the preliminary negotiations. He did not, however, himself anticipate that there would be great pressure in respect of it.

III. Appointment of a U.K. High Commissioner in India

MR. ATTLEE said the Committee noted from paragraph 6 of Lord Wavell's memorandum that he was doubtful about the proposal to appoint a High

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Commissioner in India and would prefer that this should be left for later development after the new Government had been formed. The appointment of a High Commissioner was emphatically a matter affecting the interests of the United Kingdom and the proposal (like the proposal to transfer External Affairs) had been put forward on the merits, and because it would be necessary to have someone in India to represent the interests of this country. The Viceroy would find as time went on more and more difficulty in holding a dual position, speaking on behalf of the United Kingdom on one hand and of India on the other. The proposal had been put forward on the analogy of the Dominions, and it represented in the view of the Committee a definite step forward for India towards Dominion status.

MR. AMERY agreed that such a post was very desirable in the interests of the United Kingdon. There were many matters that could no longer be left to the Viceroy to handle. Apart from that, the appointment of a United Kingdom High Commissioner would be an enhancement of India's status. He thought the Viceroy must accept that from consideration of our own interests we should feel obliged to appoint a High Commissioner if his scheme came off. Was it, however, necessary to say anything about this in advance? Would it not be possible to leave it to the debate which would have to take place once the Viceroy's negotiations had succeeded? The full value of a decision to appoint a High Commissioner from the point of [view of] India would probably not be recognised if the appointment were announced at this stage. His own general conclusion was that it would be best to postpone any announcement until the new Indian Government had been formed.

SIR JAMES GRIGG said that he continued to be disturbed by the references that were made to "negotiations". The matter was not so fluid. There was nothing to show at what point we were going to stop. The essential negotiations should he felt be very limited in scope, and incidental to the offer, the principle of which should be settled beforehand.

MR. ATTLEE said that he agreed with Sir James Grigg.

IV. Communal Composition of the Executive Council

MR. ATTLEE invited Lord Wavell to develop the reasons for which he saw difficulty in announcing in advance the proposed communal composition of the Council (paragraph 7 of I. (45) 61).

LORD WAVELL said that he had little to add to the reasons he had given in paragraph 7 of his memorandum. The success of his negotiations, for the reasons he had made clear, would depend on the negotiations being conducted as far as possible privately, without a mass of Press comment, and with as little knowledge as possible throughout India of what was happening. He saw no

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advantage in announcing the communal composition of the Council beforehand, and there was the positive disadvantage that if we did so there would be an agitation by the Hindu Mahasabha and other interests to which the percentages in view were unacceptable which might be embarrassing. He was anxious, too, for a certain latitude. Thus, he would like to be able to keep in his Council Sir A. Dalal, who was a Parsee, and an announcement of the proposed composition might make this difficult. His task would, he was certain, be easier if no announcement was made.

MR. ATTLEE said that the general effect of the Viceroy's proposals was to leave everything open. He thought Lord Wavell would find it very difficult to secure acceptance of that position here, and he wished to point out again that the difficulties in the situation were not all of them at the Indian end. The vital question in the present connection was the percentages to be fixed for Hindus and Moslems respectively. The position could be left more open as regards the minorities.

SIR JOHN ANDERSON felt that the Viceroy would have to make clear what the proposals were as regards Hindu and Muslim percentages.

MR. AMERY agreed, and thought that there would probably be advantage from the Indian end in getting this matter out of the way, since it introduced a new feature on which Mr. Jinnah could come in, and which the leaders would in any case have to face.

Timetable of Committee

MR. ATTLEE pointed out that the Committee had as yet reached no conclusions and suggested that further consideration would be necessary of the matters under examination.

V. Governor-General's Instrument of Instructions

SIR JOHN ANDERSON asked that before the Committee adjourned the position as regards the Governor-General's Instrument of Instructions should be further discussed, since this was a large issue so far as some members of the Committee were concerned. He had read the Secretary of State for India's memorandum (I. (45) 59) and felt that there was a risk of endeavouring to formalise the position too much. He himself, if he could have had legislation, would have greatly wished for precise provisions in that legislation regarding the discretionary etc. position of the Viceroy. But he accepted the advice of those of his colleagues with long Parliamentary experience that for purely Parliamentary reasons that was not practical politics. There must therefore be a new Instrument or document of Instructions in place of legislation. But if legislation had to be abandoned, he would himself be content with an Instrument of Instructions in very general terms, embodying the essential minimum;

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either an Instrument of Instructions or a despatch recognising that the changes in view could not be made without affecting the powers of the Viceroy, and stating frankly here and in India that so long as the Viceroy had on his Council men whose position in India was representative, the exercise of his powers would in practice be confined (apart from unforeseen circumstances) to those actions and issues which would attract the special responsibilities and discretionary powers of the Viceroy under the Act of 1935. The reservation which he contemplated for exceptional circumstances, which would have to be reported to the Secretary of State, would protect the position of the Act of 1935, which he agreed had contemplated a system of responsible Government; and the arrangements he had in view would operate only so long as the members of the Council were definitely representative of India. He was not moved by the doubts expressed in the third paragraph of the Secretary of State's memorandum (I. (45) 59) as to the possible legality of an Instrument of Instructions. That document whether in the form of a despatch, a letter or a formal Instrument, would be one issued with the authority or on the advice of the responsible Minister of the Crown in this country to the representative of the Crown in India, and there was ample precedent for this and for the type of matter to be covered by it.

MR. AMERY accepted the Chancellor of the Exchequer's view on this point and said that he would arrange for the draft of a Letter of Instructions or a despatch on the lines that had been indicated by him to be prepared.

MR. BUTLER said that he favoured a simplified document but thought it essential that we should know precisely what we were doing. He assumed that the plan proposed by the Chancellor of the Exchequer would involve publication of the document to be prepared. SIR JOHN ANDERSON confirmed that this was the case and that there would be a public statement.

THE COMMITTEE adjourned.

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Sir A. Clow (Assam) to Sir J. Colville (Extract)

L/P&J/5/138: ff 80–1

No. 167 GOVERNMENT HOUSE, SHILLONG, *19 April 1945*

7. Accounts, generally somewhat imaginative, are circulating regarding Government's as yet unformulated intentions in respect of the future of our frontier. In one such report which emanated, I believe, from Calcutta, Lord Wavell was credited with taking home a plan under which our hills and the

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adjoining hills of Burma and Bengal, would become a separate entity ruled solely by Great Britain. The tribal peoples themselves are beginning to take a more vocal interest in their own future. A recent conference in Shillong, while far from fully representative of the tribes, contained most of the more prominent men and inaugurated an "Assam Tribes and Races Federation". And a meeting of Nagas at Kohima has asked to remain under the British Crown with their own Legislative Council.

8. The most interesting feature of the Shillong move is the combination of our plains and hills tribals and their emphasis on their distinctness from India. Apparently assuming the success of the Pakistan campaign, they opposed emphatically their inclusion in either Pakistan or Hindustan. They also pressed for reforms and for the stoppage of immigration into the Assam Valley. What they appear to contemplate is the retention of Assam proper as a unit, i.e. the exclusion of the Surma Valley which is properly part of Bengal but not of other areas. The whole subject is a difficult one and is being examined in consultation with External Affairs Department; but their interest is naturally concentrated on the hills and indeed only on those hills which constitute our border. I hope to have discussions with Caroe shortly, but until the constitutional future of India generally and Assam in particular is a good deal clearer than at present, any steps likely to increase the separation of our hills from the plains would probably be unwise, and a division of our hill tribes into provincial and non-provincial is, in my present judgment, a thing to be avoided.

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Mr Amery to Sir J. Colville

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *19 April 1945*
Received: 26 April

I am afraid the India Committee is likely to keep Wavell here for a bit longer. We get on by degrees and Wavell holds his own extremely well against a great deal of theoretical and to my mind often irrelevant argument. All going well, however, I hope we may finalise things, so far as the Committee is concerned, next week and may even be able to get it before the Cabinet in the course of the week or early the week after.

2. Meanwhile we have been able to discuss a good many things in the interval: foodgrains, recruiting for the Services (with Mudie), the future of

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the States, etc. I don't think Wavell's time has been at all wasted and I dare say you are quite content to have a week or two more of your experience at Delhi.

3. I see the Sapru Committee has been well damned by Muslims and Hindus alike, and its premature coming out is not likely to be helpful. All the same, it embodies a good deal of serious thinking and a much nearer approach to a fair compromise with the Muslims than has yet come from any Hindu quarter.

[Para. 4, on publicising the results achieved by the Indian Mission which had visited London to discuss supply difficulties; and para. 5, on the case for the return of some of the managers and assistants to the tea industry, omitted.]

6. I have been looking at the new Sanad which has been issued to the Raja of Makrai in the Bhopal Agency (see Griffin's letter to Herbert of February 19th, No. F. 77-P. (S)/44).[1] At first sight it is somewhat alarming to find, at this time of day, the Ruler of such a remote and insignificant little State being promised that he, his heirs and successors, provided only that they remain loyal to the Crown, will be maintained by the British Government "in the position and privileges which you have heretofore enjoyed". But I fully appreciate that when so many Sanads have been issued in this form during recent years, to alter the wording now would arouse grave suspicions among the Princes. Moreover, the Sanad contains the advice clause which, according to the interpretation given in the Dhenkanal case, permits of any advice being tendered to the Ruler with regard to the conduct of his administration, short of advice to demit any of his powers. This should give ample scope for working out arrangements on the lines suggested in my letters of October 26th[2] and December 28th[3] last, whereby small States, without being completely obliterated, would become to a large extent absorbed in the administrative framework of neighbouring Provinces.

7. I needn't say anything about the wonderful course of events in Germany, except that there is too much premature calculating exactly when we can celebrate V-Day here. Personally, I think we shall still find ourselves engaged in the Austrian Mountains in June, and in any case I also fear that too much V-Day rejoicing here will make our troops out in the East look a bit down their noses. Still, it will be an immense thing to have got the major enemy out of the way.

[1] A copy of this letter and the new Sanad are on L/P&S/13/1179. [2] No. 71. [3] No. 166.

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Sir J. Anderson to Sir D. Monteath

MSS. EUR. D. 714/68

TREASURY CHAMBERS, GREAT GEORGE STREET, S.W.1, *20 April 1945*

Dear Monteath,

Thank you for your letter of yesterday.[1] I think both you and Jenkins have misunderstood what was in my mind on one point and as it is a vital one I had better make it clear. I had certainly assumed that there would be a de facto restriction of interference by Parliament and of the Secretary of State's responsibility corresponding to any de facto limitation of the Viceroy's power to override his Council. I think there is ample precedent for such limitation, as for example in the restraint which Parliament exercises in regard to matters within the province of the Parliament of Northern Ireland. Any limitations of this kind would, of course, only apply so long as the representative character of the Viceroy's Council could be sustained.

Yours sincerely,

JOHN ANDERSON

[1] Sir D. Monteath had written to Sir J. Anderson enclosing and commenting on a note of 18 April prepared by Sir E. Jenkins which was based on reports of that day's India Committee meeting (No. 396). Sir E. Jenkins believed that the Committee had proposed the retention of all of the present powers of the Secretary of State, but wished to define and circumscribe those of the Governor-General making the latter bound to accept the decision of Council on certain subjects. Sir E. Jenkins pointed out that 'it is evident that this arrangement does not effect a relaxation of Parliamentary control; it merely changes from New Delhi to Whitehall the point at which, for day to day purposes, control is exercised' and he proceeded to criticise the proposal. MSS. EUR. D. 714/68.

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War Cabinet

India Committee. Paper I (45) 63

L/PO/6/108c: ff 112–17

REVISED DRAFT DECLARATION

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *20 April 1945*

As a result of the further discussion with Lord Wavell at the 20th Meeting of the Committee,[1] it seems to me that the issues now divide themselves into four

[1] No. 396.

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relatively minor matters and one major one. As regards the former, I suggest, in the light of the discussion, that the Committee might accept the following propositions:

(*a*) A general release of Congress political detainees need not be announced beforehand. But any detainees required for the purposes of the negotiations should be released unconditionally, and it is understood that this will involve the eventual release of those detained as a result of the Congress resolution of August 1942.

(*b*) The transfer of the portfolio of External Affairs from the Governor-General to an Indian Member of Council is the necessary corollary of the attempt to raise India's international status by the appointment of diplomatic representatives and this is an object to be kept in view. It should, I suggest, be left to Lord Wavell to decide whether to include this, if essential, in the course of the negotiations preceding the formation of a new Government or, preferably, to make the concession after satisfactory experience of the working of the new team.

(*c*) It is for the United Kingdom to decide upon the appointment of a High Commissioner in India, in its own interest, apart from any consideration of the effect of such an appointment in enhancing India's status and making clear the nature and purpose of the Governor-General's authority and of his responsibility to the Secretary of State. Any announcement of a decision on this matter could be left until after the acceptance of His Majesty's Government's main offer.

(*d*) The Committee adheres to its view that the advantage, on balance, is in favour of announcing beforehand that the main basis of the proposed new Executive is to be the numerical equality between Moslems and Caste Hindus.

2. The major issue which remains for decision is the question whether a public announcement should be made of the anticipated effect of the formation of a more representative Executive upon the Governor-General's position, or whether it should simply be reaffirmed that his constitutional powers and his responsibility to the Secretary of State and to His Majesty's Government remain unchanged. It was agreed, I think, in our discussion that any precise redefinition of the Governor-General's powers by way of formal Instrument of Instructions was not desirable and that anything of this sort should be of a general character and done by despatch or formal letter from the Secretary of State. I am circulating separately a draft of Instructions in that form as desired by the Committee.

3. The issues on this subject are:

(1) whether any such redefinition is desirable;

(2) whether it should be made public;

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(3) if so, whether it should be made public at the time of the original statement in Parliament or should be made public only after the Viceroy has concluded his conversations with Indian leaders and in connection with the Bill required to amend the Ninth Schedule.

Any public definition of the circumstances in which the Viceroy should use his existing power of differing from his Council must weaken his position in handling his Council. There may be many occasions when his Council will be restrained by the existence of a general power of veto from adopting unwise courses in minor but none the less important, as well as in major matters by the knowledge that they may be overruled, so that the existence of the general power will assist the Viceroy to maintain his personal influence with his Council, which would be weakened if its scope were defined. This influence may be effective to a great extent without the power itself ever being exercised and may be challenged and lost over the wider field by a definition of the occasions when the Viceroy's powers may be used. I entirely accept the Chancellor of the Exchequer's view that the Viceroy's position is most likely in fact to be changed as a result of the new composition of his Council. I should hesitate, however, to assert that any such change will necessarily occur at once or in what directions it is most likely to develop. To define publicly the occasions on which the Viceroy is expected to use his existing powers would in my view hasten this process, which is not, I think, what the Committee would desire. I entirely agree, however, that it will be necessary to explain to Parliament the probability of a trend in this direction. I suggest, therefore, that for the time being at any rate we should abstain from formally and publicly redefining the circumstances in which the Viceroy should use his powers but that a general explanation that the proposed change will no doubt in course of time affect the Viceroy's position substantially should be given to Parliament in the debate. It might, for example, be said that though the Viceroy's power to disregard the advice of the majority of his Council will remain legally untouched, it is to be anticipated that in course of time, if harmonious relations and confidence became established between the representatives of the various communities serving on the Council and especially if they had the support of the Legislature, the Viceroy's special power would fall into desuetude. This would be comparable to the evolutionary processes of constitutional development which have been an important means of constitutional development in this country and the Dominions. I suggest that this would be sufficient to ensure that Parliament is not misled as to the possible extent of the change now proposed. If the Committee feel that it would be of value, more precise Instructions could be given to the Viceroy by way of confidential despatch, which would not be made public, for his guidance as to the circumstances in which his powers should normally be exercised.

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I submit a revised draft declaration embodying the effect of the above conclusions on the original draft,[2] with some consequential rearrangement of the paragraphs. I have at the same time included the various technical and drafting amendments suggested in my memorandum I (45) 60,[3] and one other, which seems to me essential, in paragraph 16 (old paragraph 27).

L. S. A.

Enclosure to No. 400

REVISED DRAFT DECLARATION

Note: Words substituted for those in the original draft are underlined;[4] passages proposed to be omitted are in square brackets; and where whole paragraphs have been omitted or transposed this is indicated.

1. During the recent visit of Field Marshal Viscount Wavell to this country His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.

[Paragraph 2 omitted]

2. Members will be aware that since the offer [of self-government was] made to India in March 1942 there has been no further progress towards the solution of the Indian constitutional problem.

3. As was then stated, the working out of *India's new constitutional system* is a task which can only be carried through by the Indian peoples themselves.

4. While His Majesty's Government are at all times most anxious to do their utmost to assist *Indian statesmen* in the working out of a new constitution *or constitutions*, it would be a contradiction in terms to speak of the imposition by this country of *self-governing institutions upon an unwilling India.* Such a thing is not possible nor could we accept the responsibility for enforcing such *institutions* at the very time when we were, by its purpose, withdrawing from all control of British Indian affairs.

5. The main constitutional position remains therefore as it was. The offer of March 1942 stands in its entirety without change or qualification. His Majesty's Government still hopes that the political leaders in India may be able to come to an agreement as to the *procedure whereby India's permanent future form of government can be determined.*

6. His Majesty's Government is, however, [aware that a continuation of the present situation is not helpful and is] most anxious to make any contribution that is practicable to the breaking of the political deadlock in India. While that deadlock lasts *not only political but* social and economic progress is being held up.

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7. The Indian administration, over-burdened with the great tasks laid upon it by the war against Japan and by the planning for the post-war period, is further strained by the political tension that exists.

8. All that is so urgently required to be done for the agricultural and industrial development and for the *peasants and workers* of India cannot be carried through unless the whole-hearted co-operation of every community and section of the Indian people is forthcoming.

9. His Majesty's Government have therefore considered whether there is not something which they could suggest in this interim period, pending the formulation by Indians of *their future constitutional arrangements*, which would enable the main communities and parties to co-operate closely together and with the British to the great benefit of the people of India as a whole.

10. It is not the intention of His Majesty's Government to impose any change *which does not command a general measure of support*. But they are willing to make possible some step forward during the interim period if the leaders of the principal Indian parties are prepared to agree to their suggestions and to co-operate in the successful conclusion of the war against Japan as well as in the re-construction in India which must follow the final victory.

11. (This paragraph incorporates paragraphs 12, 13, and 14 of the original draft). To this end they would be prepared to see an important change in the constitution of the Viceroy's Executive. This is possible without making any change in the existing *law* except for one minor amendment to the 9th Schedule to the Act of 1935. That schedule contains a provision that not less than three members of the Executive must have had at least 10 years' service under the Crown in India. If the proposal[s] I am about to lay before the House meets with acceptance in India, that clause would have to be *amended to dispense with that requirement*.

Paragraph 15 of the original draft transposed to the beginning of new paragraph 17.

12. *It is proposed that the Executive Council should be reconstituted and that the Viceroy* should in future make his selection for nomination to the Crown for appointment to his Executive from amongst representative leaders of Indian political life in proportions which would give a balanced representation of the main communities.

13. The new Executive would consist of equal proportions of Muslims and Caste Hindus with the addition of one representative each of the Sikhs, the Scheduled Castes and possibly of *one or two other minority interests*.

[2] See first column of drafts set out in No. 411.

[3] L/PO/6/108c: ff 142–5.

[4] Italicised in the present volume.

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14. It appears to His Majesty's Government that the best method of selection would be from a panel chosen from *representative* Indian political leaders in the provinces and at the Centre. From this panel the Viceroy would choose those whom he would nominate to the Crown for appointment.

15. All the members of the Executive would be representative Indians with the exception of the Viceroy and the Commander-in-Chief who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.

[Paragraphs 20, 21 and 22 of the original draft omitted]

16. (Paragraph 27 of the original draft). It must be made quite clear that nothing contained in any of these proposals will entail any change in the *constitutional powers of the Viceroy or in his responsibility* to the Secretary of State for India and through him to Parliament. Nor will it affect the relations of the Crown with the Indian States through the Viceroy as Crown Representative. Such changes must await the coming into operation of *fully self-governing institutions for all India.*

17. ((Original paragraph 15). The Viceroy has been authorised by His Majesty's Government to place their proposal before the Indian Leaders immediately upon his return to India. His Majesty's Government trust that the leaders of the Indian communities will be able to respond to these suggestions.) The success of such a plan will depend upon its acceptance in India and the degree to which responsible Indian politicians are prepared to co-operate with the object of making it a workable interim arrangement.

18. If such a degree of co-operation can be achieved at the Centre it will no doubt be reflected in the Provinces and so enable responsible Governments to be set up once again in those Provinces where, owing to the withdrawal of the majority party from participation, it became necessary to put into force the powers of the Governors under section 93 of the Act of 1935. [During this period of great stress in Indian affairs] It is to be hoped that in all the Provinces *these governments would be based on the participation of the main parties,*[5] thus smoothing out communal differences and allowing [all] the Ministers to concentrate upon their very heavy administrative tasks.

19. By their acceptance of and co-operation in this scheme the Indian leaders will not only be able to make their immediate contribution to the direction of Indian affairs, but it is also to be hoped that their [experience of] co-operation in government will expedite agreement between them as to the method of working out the new *constitutional arrangements.*

[Original paragraph 26 omitted, paragraph 27 becomes new paragraph 16, and paragraphs 28, 29 and the first sub-paragraph of paragraph 30 of the original draft omitted]

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20. His Majesty's Government consider, after the most careful study of the question, that the changes suggested are the utmost that is practicable by way of interim progress within the present constitution. None of the changes suggested will in any way prejudice or prejudge the essential form of the *future permanent* constitution or constitutions for India, but they will *in the meantime* enable Indians of all communities to play their part immediately in helping the people of India to a fuller and happier life.

His Majesty's Government feel certain that given goodwill and a genuine desire to co-operate on all sides, both British and Indian, these proposals can mark a *genuine* step forward in the collaboration of the British and Indian peoples *towards Indian self-government, and can assert the rightful position and* strengthen the influence of India in the counsels of the nations.

[5] A note in India Committee Paper I(45)60 (where this amendment was first suggested) read: 'this correction is in accordance with the Committee's decision at its 19th Meeting'; see No. 388, page 876, lines 8–10.

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War Cabinet

India Committee. Paper I (45) 64

L/PO/6/108c: ff 109–11

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *21 April 1945*

I circulate for consideration by the Committee a Memorandum by Lord Wavell.

L. S. A.

Enclosure to No. 401

MEMORANDUM BY LORD WAVELL

20 April 1945

The Secretary of State for India showed me in draft his memorandum of 20th April[1] to the India Committee.

2. I agree with the substance of the first paragraph. But I doubt if the second and third paragraphs bring out clearly enough the difference of principle which has arisen during the discussions.

3. The Chancellor of the Exchequer, and, I believe, the majority of the India Committee, have so far taken the view that my plan involves a real constitutional change—a weakening of control from this country—the nature and

[1] No. 400.

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extent of which must be precisely defined in advance in a formal document, and approved by Parliament.

My view has been that my plan involves not a change, but a development, of what already exists, and goes no further than we were prepared to go without special precautions in 1940 and 1942.

4. The Secretary of State's solution is to admit the technical correctness of the Chancellor's view, and to inform Parliament that while the Governor-General's powers are unchanged it is to be expected that when his new Council has settled down, the powers will not have to be used. He would reinforce this statement by confidential instructions to the Governor-General on the manner in which he should use his powers.

5. I do not think that this is a satisfactory solution. It exposes the weakness of the Governor-General's position without making the position clear to Parliament, and opens the door to pressure for conventions of every kind.

6. If the Chancellor's view that my plan involves a *de facto* constitutional change is accepted, and if it is the Committee's opinion that Parliament must approve the change, the practical implications of this decision must be considered, and they are formidable.

7. I take it that the Committee's concern is to protect Parliament from a position in which Parliamentary control will constitutionally remain as now, but will in fact be much less effective. If so, the logical course would be to legislate so as to relax Parliamentary control (or in other words to eliminate the powers of the Secretary of State and the Governor-General) save in certain specified matters such as Defence and the subjects mentioned in section 12 of the Constitution Act. The Governor-General-in-Council would then become the final authority in a defined field. But in that field he would be responsible to no-one unless the legislation introduced responsibility to the Central Legislature, a change to which the Muslim League would certainly not agree at present. The difficulty of a provisional solution of this kind is precisely the same as that of the long-term solution.

8. It has been proposed to circumscribe the powers of the Governor-General while leaving those of the Secretary of State unchanged. Such an arrangement would not protect Parliament, and would merely transfer from New Delhi to Whitehall the point at which most of the day to day control is now exercised.

9. I am most anxious to meet the Committee, whose Parliamentary difficulty I fully appreciate. I still prefer my plan in its original form, as I believe it offers the best hope of getting the parties to work together, and therefore of a long-term settlement. But I am prepared to accept a relaxation of Parliamentary control provided it is not such as to alarm the Muslims and the other Minorities, and is at the same time clearly defined. The Fiscal Convention of 1919 may

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perhaps serve as a precedent (Report of Joint Select Committee on the Government of India Bill 1919,[2] page 11; Coupland Volume I,[3] pages 85–86). Under this Convention the Secretary of State does not exercise his overriding power on behalf of any British interest if the Governor-General-in-Council and the Indian Legislature are in agreement. It might be possible to provide as an addition to my plan that where the Indian Members of Council are unanimous on any matter and have the support of the Legislature the powers of the Governor-General and the Secretary of State will not *ordinarily* be used to overrule them. Parliament could then be told that while the powers of the Governor-General and the Secretary of State remain as before it is recognized that, when all the Indian Members of Council are in agreement, the powers will not be used save in very exceptional circumstances. (This is the *de facto* position now). It would be possible to insert a list of subjects to which this convention should not apply (e.g. Defence and those mentioned in section 12 of the Constitution Act), but it seems best simply to retain the present powers but to recognize that it would be very difficult to use them in the face of unanimous Indian opinion in Council. If Council were not unanimous the Governor-General would be free to take his own decision in circumstances which could justify him in doing so now, and the Secretary of State would be free to interfere as he thought fit. Any public statement would, of course, have to be drafted with care, so as not to give the impression that the Governor-General must interfere in the absence of unanimity among his Indian Colleagues.

10. I do not comment on the Secretary of State's draft Statement, as I feel it is best to get the point of substance settled first.

W.

[2] H. of C. Paper 203 of 1919.

[3] Sir R. Coupland, *A Report on the Constitutional Problem in India*, Part I: *The Indian Problem 1833–1935* (London, Oxford University Press, 1942).

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India Committee. Paper I (45) 65

L/PO/6/108c: ff 102–8

Draft Despatch on the Governor-General's Powers

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *21 April 1945*

As agreed at the 20th Meeting of the Committee,[1] I circulate (Annexure A[I]) a draft of a despatch to the Governor-General giving him guidance as to the

[1] No. 396.

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circumstances in which his power to act independently of the advice of his Council is to be exercised.

2. In order that the Committee may appreciate the character of the general instructions contained in the despatch, I circulate also, as Annexure II, a list of the powers of the Governor-General exercisable in his "individual judgment" and in his "discretion", distinguishing those which are not in operation by force of law pending the coming into force of Part II of the Act of 1935.

L.S.A.

Annexure I to No. 402

DRAFT DESPATCH

My Lord,

The decision of Parliament to cancel the requirement in Section 36(3) of the Ninth Schedule to the Government of India Act, 1935, that at least three Members of Your Excellency's Executive Council should be persons who have been for at least ten years in the service of the Crown in India, will enable Your Excellency to submit to me your recommendations for carrying out the reconstitution of your Council in accordance with the policy approved by His Majesty's Government and for the appointment, accordingly, by His Majesty of Members representative of the main elements in India's national life.

2. It is not the intention of His Majesty's Government that the system of government resulting from this reconstitution of your Council while the transitional provisions of the Government of India Act of 1935 remain in force, should be of more than temporary duration, pending the enactment of a new constitution, the stability of which will be assured by its formulation on the basis of agreement between Indians themselves. But temporary though these changes may be, the exclusion of the official element (other than the Commander-in-Chief) from your Council and its constitution henceforth by Members directly representative of the main currents of Indian opinion will bring a fresh outlook on the problems which come before it; and Your Excellency will desire to have some guidance in respect to the manner and occasions in which you should exercise the power to dissent from the opinion of the majority of your Council and act on your own authority if in your judgment the safety, tranquillity or interests of British India or any part thereof are essentially affected. Such guidance can be given only in broad terms since it is impossible to prescribe detailed instructions beforehand the application of which to a particular case must necessarily be dependent in part on its peculiar circumstances.

As a general rule, therefore, I desire that Your Excellency should consider that the exercise of the powers with which you are invested, whether derived from Section 41(2) of the Ninth Schedule of the Government of India Act

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or otherwise, should be confined to those matters and within that field in respect of which you are already required by the provisions of the Government of India Act, or would be required if the whole Act were in force, to act in your discretion or to exercise your individual judgment. Should occasion arise otherwise in which you consider that you would be justified in acting on your own authority, I desire that, if time permits, you should seek direction from me before any action is taken by you.

Annexure II to No. 402

SPECIAL POWERS OF THE GOVERNOR-GENERAL UNDER THE 1935 ACT

Sections of the 1935 Act (Note: Those marked * are not yet in force)	A. INDIVIDUAL JUDGEMENT
*12	Special responsibilities.
16	Appointment of Advocate General.
*25(1)	Rules for vacation of seat in one Chamber by a person elected to both.
*28(2)	Rules regulating attendance before Committees of either Chamber of persons who are or have been in the service of the Crown, or for safeguarding disclosure of confidential information.
*42	Promulgation of ordinances during recess of Legislature.
119(3) and (4)	Powers in regard to legislation on professional and technical qualifications.
151	Rules for custody of public moneys.
152(2)	Reserve Bank: nomination of directors.
*184	Rules for conduct of business between Railway Authority and Federal Government.
*196(8)	Railway Tribunal: assessment of administrative expenses.
216(2)	Federal Court: assessment of administrative expenses.
246(2)(a)	Services: appointments to reserved posts (non-Provincial).
247	Functions in relation to promotion, suspension etc. of members of Secretary of State's services.
248	Services—functions in regard to complaints, appeals, etc.
258	Protection of existing officers of certain services.
262	Functions regarding eligibility for office of non-British subjects.

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Section	INDIVIDUAL JUDGEMENT (Continued)
271(3)	Proceedings against officers: payment of expenses by Government.
300	Protection for certain rights, privileges and pensions.
302	High Commissioner—appointment etc.
	B. DISCRETION
*9(2)	Governor General may preside over meetings of council of ministers.
(3)	Governor General to decide whether any matter is or is not a matter in which he is required to act in his discretion or exercise individual judgment.
*10	Choosing and summoning and disposal of ministers, etc.
*11	Functions with respect to defence and ecclesiastical affairs, and external affairs.
*15	Appointment of Financial Adviser.
*17	Making rules of executive business.
*19	Power to summon and prorogue Legislature and dissolve Legislative Assembly.
*20	Right to address or send messages to Legislature.
*22	Power to appoint a person to act as President or Speaker in absence of a President or Speaker or Deputy ditto.
*26	Discretionary powers in regard to disqualifications for membership of Legislature.
*31(1) & (2)	Joint sessions of Legislature.
*32	Assent to Bills.
*33[2]	Decision as to expenditure chargeable on Federal Revenues.
*38	Making rules of procedure for Legislature in certain matters.
*40(2)	Restrictions on discussions of certain Bills.
*43	Promulgation of Ordinances with respect to certain subjects.
*44	Power to enact Acts in certain circumstances.
*45	"Breakdown" powers.
54	Superintendence over Governors.
76	Assent to Provincial Bills reserved for consideration of Governor General.
88	Issue of instructions to Governors regarding promulgation of Ordinances during recess of Legislature.
89	Approval of promulgation by Governors of Ordinances at any time in certain matters.
90	Approval of enactment by Governor of Acts in certain circumstances.

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Section	DISCRETION (Continued)
92	Assent to Governor's regulations for administration of excluded or partially excluded areas.
93	Approval of issue by Governor of "breakdown" proclamations.
94(3)	Appointment of Chief Commissioners.
95	Administration of Br. Baluchistan and of Andaman and Nicobar Islands.
102	Issue by Governors of Proclamation of Emergency.
104	Residual powers of legislation.
108	Sanction for certain legislative proposals.
111	"Discrimination" provisions.
123	Delegation of certain functions to Governors.
125	Inspection of administration of federal matters by States.
126	Instructions to Governors regarding exercise of executive authority.
126A	Control of legislation regarding extension of executive powers of Federation in an emergency.
128	Directions to Rulers regarding exercise of executive authority.
129(4)	Decision on certain matters relating to broadcasting.
131	Functions in regard to complaints of interference with water supplies.
138(2)	Distribution of taxes on income.
141	Sanction to Bills affecting taxation in which the Provinces are interested.
152	Powers with respect to Reserve Bank.
153	ditto
163	Powers with respect to borrowing by Provincial Governments.
166	Legislation regarding powers of Auditor-General.
170	" " " " Auditor of Indian Home Accounts.
175	Regarding use or sale of land or building used as official residence of the Governor-General.
*182	Composition of Railway Authority.
*183	Principles to be observed by Railway Authority.
*187	Payments by Railway Authority.
*189	Disposal of funds of Railway Authority.
*195	Rules regarding construction etc. of railways.
*196	Railway tribunal; appointment etc.
199	Appointment of official directors of railway companies.

[2] [Note in original:] S.33(3) is in forcei n so far as it refers to the Advocate General.

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Section	DISCRETION (Continued)
202	Appointment of Acting Chief Justice of India etc.
206	Control of legislation regarding jurisdiction of Federal Court.
213	Power to consult Federal Court.
222	Appointment of temporary and additional judges.
244	Duty to keep Secretary of State informed regarding Secretary of State's services.
251	Powers in relation to staff of Auditor of Indian Home Accounts.
265	Public Service Commissions: appointments, etc.
266	Public Service Commissions: regulations.
267	Public Service Commissions: extension of functions.
270	Services: protection for past acts.
271	" " " " "
286	Provision of armed forces at request of Crown Representative.
295(1)	Death sentences: remission etc.
305	Governor-General's secretarial staff—appointments, etc.
308	Functions in regard to proposals for amendment of the Act.
313(4)	Certain discretionary powers in the transitional period.

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Sir J. Grigg to Mr Amery

L/WS/1/924: f 383

WAR OFFICE, WHITEHALL, S.W.1, *23 April 1945*

I have thought a great deal about your letter of 27th March[1] in regard to the future of the Indian Army. The proposal to give permanent commissions to 450 temporarily commissioned Indians is neither here nor there and the War Office would have no objection to it. But the proposal to recruit no more British officers into the Indian Army is fundamental and the more I think of it the further does it seem to lead us. As you point out it can only be decided by the War Cabinet but surely the India Committee must consider it before we make any final recommendation to the Cabinet in regard to the Viceroy's interim political proposals.

The first thing that strikes me is that the major decision once taken is quite irreversible and in the face of this fact the decision on it from the long term political view is of vastly greater importance than the suggestions we have for so long been discussing with the Viceroy. If announced now I should expect it to create quite a lot of alarm in India, particularly if it more or less coincides in time with negotiations to form a Birla Executive Council[2] at the centre. It

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would certainly make Muslim acceptance of any interim plan indispensable. And yet without this decision our protestations of our intense desire to see India a Dominion are the merest humbug. Personally I am inclined to think that the proper course is to put aside all the suggestions for an interim change and to tell the Viceroy to take soundings about this Indianisation proposal. Perhaps your Willcox Committee[3] will be able to give us some information about likely Indian opinion though I doubt it. If after soundings we decide to take this step and announce it we shall have made a bigger and more irrevocable step towards Dominion status than any we have hitherto taken and the comparatively minor problem of interim political advance can be considered in the light of this fact.

So far I have been concerned solely with political arguments. So far as military considerations are concerned I suppose that before the Cabinet decides it ought to have the views of the C.O.S. as to the strategic implications. Over and above that there are certain purely Army questions that ought to be clearly envisaged. The most important of these is that I do not see how we can compulsorily post British officers for attachment to the Indian Army. They must be volunteers. Secondly there must be some sort of guarantee against having those who have volunteered thrown back on our hands except in an orderly and pre-ordained way.

To sum up my long letter:—

(*a*) I don't mind what you do about the extra 450 permanent commissions for India,

(*b*) we must have a discussion at once on the India Committee, and

(*c*) in the meantime our two Departments (possibly in conjunction with the visit of the Willcox Committee) might clear their minds (with a view to clearing ours) about the strictly organisational aspects of this very vital problem.

Yours sincerely,

P. J. GRIGG

[1] No. 343.

[2] Sir J. Grigg is presumably referring to Mr Desai's constitutional proposals (see Nos. 197 and 215) with which, as Lord Wavell reported in No. 235, Mr G. D. Birla had been associated; see also No. 234.

[3] The India Reorganisation Committee established by General Auchinleck in November 1944 and chaired by Lieutenant-General Sir H. Willcox was considering questions connected with the post-war organisation, operation and duties of the Indian Fighting Services.

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India Committee. Paper I (45) 66

L/PO/6/108c: ff 100–1

NOTE BY THE SECRETARY

WAR CABINET OFFICES, *23 April 1945*

I circulate, by direction of the Chairman for consideration at this afternoon's meeting, a copy of the letter addressed to the Prime Minister by certain Members of Parliament on which the Prime Minister has asked for the views of the Committee.

J. G. LAITHWAITE

Enclosure to No. 404

Mr Dobbie and Others to Mr Churchill

HOUSE OF COMMONS, S.W.1, *19 April 1945*

Dear Prime Minister,

It is perhaps needless for us to tell you how deeply we feel on the issue of India. Most of us have spoken in the House, and outside, of our conviction that India has become a test case of Britain's sincerity; posterity will judge the British people by their success or failure in winning the same democratic rights and liberties for the Indian people, for the preservation of which they have been fighting so valiantly for the last six years.

On April 25th, representatives of the nations of the world will gather together in San Francisco to lay the foundations of a lasting peace and of a happy new world. But can we honestly say that the new world can be happy if India's 400,000,000 people—one-fifth of humanity—is allowed to remain in political unrest and economic chaos—without their real voice being heard at the World Conference?

The Indian people have proved so amply, by their magnificent contribution to the war effort—in money, material and men—that they are second to none in their hatred of Fascism and Nazism. They have also shown that they have no confidence in the British administration as it is carried out at the present time.

The 13 successive defeats of the Viceroy's Government in the Central Legislative Assembly has more than a constitutional meaning. It proves beyond doubt that Britain has completely lost the confidence of representative Indians. It proves also that the British administration in India is carried on without the

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moral support of the people. And surely this is contrary to the British idea of democratic rule.

We submit, most respectfully, therefore, that the Government should try to put an end to this unfortunate situation which is deplored by every democrat here as well as in India.

It is not our purpose in this letter to go into the rights and wrongs of the Indian situation; but one thing seems quite clear to us, that no policy in India will succeed without firstly releasing the peoples' trusted leaders, like Pandit Jawaharlal Nehru and Maulana Azad, who have been detained without trial since August 1942.

We demand, therefore, the immediate and unconditional release of all Congress prisoners.

Not only will it help the solution of the Indian deadlock, but will enable India to form her own representative national Government, which alone can truly represent the country at the San Francisco Conference.

We must not ignore the voice of a man like Mr Gandhi who has condemned and repudiated the Indian delegation to the San Francisco Conference, which has been selected by the Viceroy without any popular or Party backing in India.

We firmly believe that India, with her proud and ancient civilization, has much to contribute to the stability and peace of the world.

We beg to remain,

Yours sincerely,

W. DOBBIE
A. SLOAN
WILLIAM GALLACHER
H. NEAL
AGNES HARDIE
HECTOR MCNEIL
JOHN HYND
D. N. PRITT
P. G. BARSTOW
RHYS DAVIES
S. P. VIANT
D. R. GRENFELL
HUBERT BEAUMONT

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War Cabinet

India Committee. I (45) 22nd Meeting

L/PO/6/108c: ff 76–86

Those present at this Meeting held in Conference Room 'B', War Cabinet Offices, S.W.1, on 23 April 1945 at 4 pm were: Viscount Simon (in the Chair), Sir John Anderson, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel, Field Marshal Viscount Wavell (for Part II only); Sir Gilbert Laithwaite (Secretary)

PART I

The Committee had before them memoranda by the Secretary of State for India (I. (45) 63) (Revised draft declaration)[1] (I. (45) 64)[2] (circulating a memorandum by Lord Wavell); and (I. (45) 65)[3] (draft despatch on the Governor-General's powers).

THE LORD CHANCELLOR said that with every anxiety to assist the Committee, he found himself unable, after careful reflection, to see how the plan for the announcement in Parliament proposed by the Secretary of State would fit in with the Viceroy returning to India and endeavouring to discover whether the political leaders would co-operate. There was great force in Lord Wavell's objection that the procedure involved committing ourselves on points of substantial importance with little probability of a satisfactory response from the political leaders. An announcement by the Secretary of State that the time had come to drop the official element from the Council would be a new departure and an important one; but he had little confidence that it would satisfy the Indian political leaders. From their respective points of view both Congress and the Muslim League might well accept the concession which it involved, but insist that before further progress could be made other points of interest to them should be yielded. He felt himself at the same time that the Chancellor of the Exchequer was right in thinking that we could not send the Viceroy back with a general authority, because it was difficult to feel that he would handle the constitutional difficulties as we could wish. We might however send him back with the authority for which he had originally asked, to see Jinnah and other leaders, ascertain their reactions, and report back to the War Cabinet.

THE MINISTER OF AIRCRAFT PRODUCTION said that merely to tell Lord Wavell that on return he could resume conversations with Jinnah would not represent an advance, and he felt very strongly that he could not be a party to a decision that Lord Wavell should be asked to return to India with no advance

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at all. There was no very great difference in substance between Lord Wavell's proposals and those of the Chancellor of the Exchequer. Any difference was essentially over the manner of approach, and even that, though very important, was not very great. He himself thought the Chancellor of the Exchequer's approach the right one. He was not so pessimistic as the Lord Chancellor as to the possibility of an arrangement. But in any event, even if another gesture was made by us, and refused by the Indian politicians, we should, as a result, be in a better position internationally and with opinion in this country, and it would be clear that it was the intransigence of Gandhi and Jinnah and not any failure on the part of His Majesty's Government which was responsible for the continuance of the deadlock. We should have done our very best and if the Indians would not accept our well-meant endeavours that was not our fault.

Even if the Viceroy were to say that he was not prepared to accept the Chancellor of the Exchequer's scheme, and would refuse to return to India rather than return on the basis of that scheme, we should be in a stronger position, as the result of putting it forward, if we had to send someone to replace him. He would himself be very apprehensive of a break with the Viceroy on our refusing to do something when he wanted to do something. A break with the Viceroy on the question of how something ought to be done was a very different matter.

If a statement had to be made he favoured either the original draft circulated under I. (45) 57,[4] or a draft amended more or less on the lines proposed by the Secretary of State for India in I. (45) 63. Our attitude should be that we were prepared to make this arrangement and hoped the leaders would accept it; but that we would not enforce it unless both the major parties agreed. If both the major parties were prepared to accept it we could ignore the criticism of the Mahasabha.

THE SECRETARY OF STATE FOR WAR said that his misgivings grew as discussion proceeded. It was clear in the first place from the Viceroy's paper (I. (45) 64) that he envisaged negotiations and a long series of discussions. In other words this was not in the nature of an arbitral offer, but a starting point for negotiations which might end up anywhere. On that assumption the Lord Chancellor was surely right in feeling that this was a starting point and not something that we could do if the Indians wanted it.

Secondly, on the military side, the India Office were now proposing[5] that, with a view to complete Indianisation in from 10–15 years, no more British officers should be recruited for the Indian Army and that the British officers required should be attached to the Indian Army. The Indian Army so Indianised would be the instrument for internal security, and subject to whatever government emerged from the forthcoming deliberations. This was a matter

[1] No. 400. [2] No. 401. [3] No. 402. [4] No. 390. [5] See Enclosure to No. 297.

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of first class importance of which the Committee must take account in their present discussions. It would have a direct effect on the attitude of the Muslims, who were vitally interested; a decision as to any interim proposal ought to be postponed until we saw more clearly where we were going.

THE MINISTER OF EDUCATION said that he remained of his previous view that the Viceroy's visit to this country had been premature, and that the time was not ripe for a political settlement. There was considerable diversity of view on this matter both here, as discussion in the Committee had shown, and in India. We had done our best to try to reach an accommodation in order to save Lord Wavell's position and to avoid a break with him, but he still felt that it would be best for Lord Wavell, now that he had seen the mind of the Cabinet and the sort of approach they would be prepared to make, to return and see what he could arrange. His own view agreed closely with that of the Lord Chancellor.

THE MINISTER OF AIRCRAFT PRODUCTION felt that the Minister of Education's suggestion was tantamount to inviting the Viceroy to return and negotiate on the lines which he (Sir Stafford Cripps) and the Chancellor of the Exchequer thought dangerous. We must say either that this was not the time and the Viceroy must do nothing, see no-one, and conduct no negotiations, or that this was the farthest the Cabinet would go and that the Viceroy could negotiate a specific scheme within specific limits. If we were going to take that line we should be in a better position if at the same time we made our case to the House of Commons.

THE SECRETARY OF STATE FOR INDIA thought that Parliament would expect something definite now that the Viceroy had come home, and that a clear statement in Parliament was needed. He did not think that the difference between the Committee and the Viceroy was so very great. Lord Wavell's own idea, as the Committee would remember, had been to broadcast and thereafter to summon selected political leaders. He could only have done this with the authority of His Majesty's Government, a fact that would be immediately known and would produce an immediate demand for a debate. There was no material difference between a debate in the House of Commons and an announcement to coincide with the Viceroy's statement in India, and he thought the Viceroy would be ready to accept the view of the Committee. He agreed with the Minister of Aircraft Production that it was desirable to go forward. If our gesture was rejected no-one could expect a further move for at least a couple of years; His Majesty's Government would be no worse off; and the good effect on the outside world of a practical proposal would remain.

As regards the Indianisation of the Indian Army, his military advisers, whose views had been circulated in I. (45) 40,[6] thought that the scheme proposed would work. After all the Governor-General would continue to have the last

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word, and there was no need to hold up advance in the constitutional field merely over the position of the Army.

THE CHANCELLOR OF THE EXCHEQUER said that some thought that if the Viceroy was given the general authority for which he had previously asked he would approach the Indian politicians with whom he desired to discuss without a clear idea in his mind of the resultant position. We had tried to make it clear to him what was involved in this arrangement. The difficulty which he, the Chancellor of the Exchequer, felt over sending the Viceroy back to resume discussions in India with no statement to Parliament was that once he started those discussions he would be asked whether he had come back with authority from His Majesty's Government to make certain proposals. Once he answered that question in the affirmative there would be immediate disclosures in India which would force a statement here. If that was the case, there was much to be said for making any statement here in the first instance. Whether by a very carefully worded statement at this stage we should expose ourselves to the risks of which the Lord Chancellor was apprehensive, it was very hard to gauge. We were unquestionably in a dilemma.

At this point LORD WAVELL entered the meeting.

PART II

THE LORD CHANCELLOR explained to Lord Wavell that before the Viceroy joined the meeting he had informed the Committee that he was impressed by Lord Wavell's objections to a Parliamentary statement which might leave us with the worst of both worlds, and committed to certain material changes without any corresponding assurance of a satisfactory response by the Indian politicians. He was very uneasy at the thought that we might make an announcement regarding the removal of the official element in the Executive Council and the reconstruction of the Council, and so concede these important points in principle, only to find that Congress or the Muslim League would not co-operate save in return for supplementary concessions. He invited Lord Wavell to indicate what he thought were the chances of acceptance by the political leaders.

LORD WAVELL said that on the whole he thought the chances of acceptance quite favourable and that we should not do great harm by trying. He did however feel very strongly that the less said the better. His objection to giving away too much in any announcement whether over the Viceroy's powers, the transfer of External Affairs, or the release of prisoners, was that if we failed to carry the political parties with us everything would have been given away and we should have nothing to show for it. He recognised that something might

[6] No. 346.

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have to be said, but thought that there would be no great danger in saying that we were going to try to form the sort of government which he, the Viceroy, had had in mind. India he thought was expecting this, and it might do more harm if we said instead that the Viceroy had gone out to negotiate.

There must be some sort of simultaneous announcement, the wording of which would have to be very carefully considered.

In reply to the Secretary of State for India, who asked whether Lord Wavell accepted the draft statement as redrafted by him (I. (45) 63), LORD WAVELL said that while he had not examined the redraft in detail, he thought he was in general agreement with it save as regards

(1) the suggestion that the Viceroy's powers should be limited.
(2) the proposal to say in terms that there would be equal representation for Caste Hindus and for Muslims.

As regards the first of these points, an announcement that it was proposed to limit the Viceroy's powers would make his negotiations very difficult. It would be much better if we could say that the constitutional position would remain as at present.

As regards the second, he had said that if the Committee preferred to make a statement in this sense he would not raise any great objection. But he would much prefer to leave it out. It would arouse the bitter opposition of the Mahasabha. He doubted if it would increase the chances of the Muslims coming in and it would be easier for all concerned to come to discussion with him if there had been no prior announcement until he had got the parties round a table.

He would also prefer to see the Secretary of State for India's amendment of Clause 13 of the Statement to read "one or two other minority interests" dropped. He would at once be pressed as to who those representatives should be. The Committee would realise that while the division 40, 40, 20 was simple enough with a Council of 10, awkward questions of proportions and fractions arose if we had to contemplate a Council larger in size. He would prefer, if possible, to leave the size of the Council open.

Desirability of retaining reference to communal composition of the Executive Council

A discussion followed on the desirability or otherwise of specifying the communal composition of the Executive Council in any Statement. It was urged, on the one hand, that it had always been assumed that equal representation for Muslims and Caste Hindu had been a fundamental feature of the scheme. The point was bound to be brought up as soon as negotiations started. It would surely reduce the risk of bargaining, and strengthen the Viceroy's hand, to have this made clear in advance. We did not want the Viceroy to be

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left with the onus of breaking down the negotiations on this question, and this was the sort of point on which there might be much misrepresentation hereafter.

It was suggested, on the other hand, that while there was no difference of view as to equal representation for Muslims and for Caste Hindus, what was now in issue was the wisdom of announcing our view in advance, and thereby stimulating avoidable criticism. THE MINISTER OF EDUCATION urged, further, that Parliament would not want a point of this nature defined ahead, and that we were not sufficiently sure of our ground to be justified in so defining it at this stage.

The Committee then discussed the case for some reference in the Statement to the *position of the minorities*. It was urged that there would be advantage in specific reference, as in the draft circulated by the Minister of Aircraft Production in I. (45) 57, to Scheduled Castes and Sikhs. On the question of the representation of non-Congress Hindus, and non-Muslim League Muslims, LORD WAVELL said that he had never contemplated accepting any obligation to select only Congress or Muslim League representatives. He would certainly try to include representatives of Hindus and Muslims from outside those organisations in his preliminary Conference.

After further discussion THE MINISTER OF AIRCRAFT PRODUCTION suggested and *the Committee agreed* that there should be inserted at the end of draft paragraph 12 of the draft Statement as revised by the Secretary of State for India the words "including equal proportions of Muslims and Caste Hindus"; and that draft paragraph 13 should be omitted, but the Viceroy, if the point was put to him, should say that it was, of course, proposed that there should be Scheduled Caste and Sikh representation.

Procedure to be adopted in discussions with political leaders

THE MINISTER OF EDUCATION said that he himself felt great doubt about the procedure proposed for the discussions. He would prefer not to negotiate until in the appropriate manner we had made sure that the parties would be prepared to accept the general line we proposed to put to them. Did Lord Wavell think that he could handle the position on these lines?

LORD WAVELL said that he had contemplated a broadcast, to be followed with negotiations with individual leaders.

He had put forward the proposal that he had because he thought that that was the only method with which H.M.G. would agree. He had taken all the soundings he could without committing H.M.G. or himself before returning home. It was in the light of those soundings that he had advised H.M.G. in the sense that he had, and that he thought the action he had recommended practicable, though he had made it clear that he could not give an absolute

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guarantee. If he were given an absolutely free hand to go back with no announcement, and see one or two representative leaders before seeing together the leaders with whom he had it in view to discuss, and then make a further report to the War Cabinet, it was arguable that that might be an easier course.

But now that he had come home he thought it would be much more difficult for him to adopt it. Equally, for the reasons he had given, he thought that the less we committed ourselves in advance the better. He would have preferred H.M.G. to accept the principle of a step such as he had proposed, and thereafter to leave him to take his own method of seeing how far it was practicable.

On the whole, as matters stood today, he thought it would be best that, as he had originally advocated, he should broadcast on his return to India and then issue invitations to selected leaders to meet him for discussion. He thought on the whole that they would be prepared to come in without attempting to make conditions in advance if the broadcast was worded as he proposed. The advantage of announcing that he proposed to meet the leaders would be that if thereafter they refused his invitation, the public would know that it had been made.

THE SECRETARY OF STATE FOR WAR said he was left with the impression that whatever course was adopted, it would bring not peace, but a sword, to India. That country was now fairly quiescent. But the constitutional moves in view would release a babel of conflicting demands, and he was far from easy at the possible effect on the conduct of the war against Japan. This would be aggravated by the announcement of our intention to Indianise the Army, which would profoundly disturb the Muslims. LORD WAVELL said the easiest course would admittedly be to do nothing; but he thought it would be the most fatal. He could keep India quiet for the rest of the war. But there would be a far more difficult problem to meet at the end of it. An advance at the present stage would he thought improve our chances of avoiding it, and that was the essence of his scheme.

External Affairs

THE LORD CHANCELLOR enquired whether it was proposed to omit any reference to the proposed transfer of External Affairs from the draft Statement.

THE SECRETARY OF STATE FOR INDIA said that he had amended the draft Statement in this sense in the light of the previous discussions in the Committee.

THE MINISTER OF EDUCATION felt that we were now falling between two stools. He had originally himself been opposed to the transfer of External Affairs but had been convinced by the arguments in favour of transfer advanced by the Chancellor of the Exchequer and had been willing that this should be announced in the Statement. He would prefer no Statement at all to the Statement as now amended by the Secretary of State for India which he felt was

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neither one thing nor the other. Speaking for himself, while he accepted the Viceroy's view that a Member in charge of External Affairs would still be subject to the control of the Secretary of State and the Viceroy, he felt that the transfer would be of material importance as marking India's growth in nationhood, and as enhancing her prestige.

Question of Legislative Changes to be made

THE LORD CHANCELLOR enquired whether it was proposed that the announcement in Parliament as amended by the Secretary of State for India should contain no statement to the effect that no legislative changes were in mind other than the proposal that the provision for an official element in the Executive Council should be eliminated. He doubted, if so, whether it was correct to describe it, as in Section 11 of the draft, as a minor amendment.

THE SECRETARY OF STATE FOR INDIA thought that the amendment could properly be regarded as minor in character since it affected a single clause only.

THE SECRETARY OF STATE FOR WAR suggested that we were back in the original dilemma put by the Chancellor of the Exchequer, that we were anxious to suggest at the same time that we were taking a considerable step forward and that the step was in fact a very small one.

Limitation of Viceroy's Powers

THE LORD CHANCELLOR pointed out that the Statement as amended by the Secretary of State for India contained no statement to the effect that there was in substance a limitation on the Viceroy's powers.

After discussion *the general sense of the Committee* was that Clause 16 of the statement as revised by the Secretary of State for India in I. (45) 63 no longer correctly represented the facts and that it should be amended to read:—

> "It must be made quite clear that nothing contained in any of these proposals will entail any change in the Viceroy's responsibility to the Secretary of State for India, and through him to Parliament. Nor will it . . . etc."

THE CHANCELLOR OF THE EXCHEQUER said that his trouble was that the essence of this was in fact a constitutional change. He wanted the Viceroy to be in a position to put on the brakes when vital matters were under discussion, and thought that it would strengthen rather than weaken his position to have that recognised. He greatly feared that if the new Council were in the position in view for them, and no distinction was drawn in practice between one field of power and another, the Viceroy's powers would be insensibly but gradually weakened over the whole field. He felt that in debate the Secretary of State would be pressed as to whether the responsibility of the Viceroy and the Secretary of State would, under these proposals, extend to safeguarding the

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position of His Majesty's Government and of the Treasury and that he would have to answer in the negative. The example of the fiscal convention, which in practice had carried us a good deal further than the original formula, well illustrated the type of progressive deterioration in the position which he was so anxious to avoid. We ought to avoid any suggestion of a progressive and uniform weakening of the powers of the Viceroy over the whole field which would result in a loss of real authority.

THE MINISTER OF AIRCRAFT PRODUCTION suggested that the point would be met by the reintroduction, possibly preceded by the concluding words of Clause 20 ("His Majesty's Government fully realise and desire to emphasise the fact that they have considerable constitutional implications"), of paragraph 21 of the draft statement which he had circulated in I. (45) 57, and which ran as follows:—

> "If the Members of the Viceroy's Executive are in future to be more representative than in the past of Indian political opinion (as is the intention) and therefore more responsive to that opinion, they must of necessity carry more influence and wield a greater power than at present."

For the words "yield [wield] greater power" he suggested, and *the Committee agreed*, that there might be substituted, in deference to the Viceroy's feeling, the words "carry more weight".

THE CHANCELLOR OF THE EXCHEQUER said that even this would omit what he regarded as vital. Very considerable changes in the Viceroy's powers were involved. The least that would satisfy him would be words to the effect that the Viceroy would have to discriminate to an extent which he was not called on to do now, in deciding on what matters to exercise his powers. He quite appreciated that the Viceroy was apprehensive of any limitation of his powers, and he was himself anxious to ensure that those powers would be retained in full in vital matters. He felt that when the Secretary of State came to the House of Commons, and the implications of these proposals were discussed, we should be forced to make clear that there were certain matters touching wider interests in which, pending arrangements under which the Executive Council would be responsible to representative bodies in India, the powers and responsibilities of the Viceroy to the Secretary of State and Parliament would remain unimpaired.

THE LORD CHANCELLOR said that in order to meet the Chancellor of the Exchequer's point it would be necessary to make provision on the lines that the power to exercise the Viceroy's constitutional powers in vital matters must remain, but that their use would not be affected by the creation of an Executive the members of which would be more responsive than in the past to Indian political opinion.

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THE MINISTER OF AIRCRAFT PRODUCTION suggested that the point might be made by the insertion in paragraph 16 of the revised draft statement of words based on the words used in Section 41 of the Act of 1919 and reproduced in the Ninth Schedule to the Act of 1935, to run "nor in his powers in matters concerning the safety, tranquillity or interests of British India, or of any part thereof".

Future Procedure

After further discussion the Lord Chancellor said that he thought the Committee would wish to reconsider the draft Statement as a whole. He invited the Secretary of State for India to arrange for the circulation of a full text to embody drafting alterations to cover the points that had been agreed during the afternoon's discussion and invited the Minister of Aircraft Production to lend the Secretary of State his assistance in connection with the actual drafting.

THE MINISTER OF EDUCATION while agreeing to the procedure proposed wished to place on record that he had himself a number of drafting alterations to put forward in the amendments circulated by the Secretary of State under I. (45) 63, and in the statement as a whole. He would reserve these until the matter again came up for consideration.

Letter to the Prime Minister from certain Members of Parliament

THE LORD CHANCELLOR invited the Committee to express a view on the letter from certain Members of Parliament to the Prime Minister which had been circulated under I. (45) 66[7] and on which the Prime Minister had asked for the advice of the Committee.

After a brief discussion it was pointed out that certain of the questions raised by the letter, in particular the release of prisoners, could not be answered until the Committee and the Cabinet had reached a decision on the issue of policy.

The Committee felt (and Lord Wavell agreed) that it would be sufficient if the Prime Minister were merely to acknowledge the letter. They invited the Chairman so to inform the Prime Minister and to say that they had no further observations at this stage, and that the Viceroy, who had been present, had shared their view.

The Committee adjourned.

[7] No. 404.

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Note by Mr Butler

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Undated

1. I had a conversation with the Indian Delegates to the Imperial and San Francisco Conferences.

Ramaswami Mudaliar, Krishnamachari, and Firoz Khan Noon were present.

2. They were united in expressing their doubts as to what we were discussing with the Viceroy. Had we come to any conclusions to support the proposals of Sir Tej Sapru's Committee?

3. I replied that we had come to no conclusions and that I could not at this stage discuss matters which were under consideration by H.M.G. If they had any ideas I would, however, be glad to listen. Henceforward they expressed the following varying views.

4. Ramaswami Mudaliar said that he was most anxious and disturbed lest a proposal to alter the constitution of the Central Government should prejudice the future constitution. To instal the Congress and the Muslim League at the Centre would alienate the Hindu community other than Congress, the Princes and many Mussulmans. Dr. Ambedkar had been very depressed after the Viceroy's departure and had said "The British are going to go back on us and make terms with Congress just when they are most discredited".

Ramaswami Mudaliar would prefer a plan under which a Committee of all parties was established to work out the new constitution. Meanwhile he would not be averse from sweetening the atmosphere by releasing political detainees to the maximum extent possible.

5. Firoz Khan Noon was less clear as to what he wanted either to say or do. He stated that there was no pact between Desai and Jinnah. The present manifestation was a recrudescence of an abortive attempt to reach an understanding in 1940 during Lord Linlithgow's term of office. Jinnah would not in his opinion agree to anything less than 50% Muslim representation at the Centre.

6. Krishnamachari had clearly been influenced by the views of Desai. He thought that an attempt to instal a 40/40/20 Government at the Centre would ease the situation and relieve tension. He was however most anxious about the feelings of the Princes. There was a lack of confidence between the Princes and the Political Department. This was perhaps as much the fault of the Princes as of the officers of the Government of India. Many Princes had used sweet words in speaking to the officers of the Political Department. In reality these Princes were nervous of federation and of any linking up of Indian India with British

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India in the economic sphere. Up till now the Princes had not expressed their apprehensions with sufficient clarity.

7. There was some further conversation which centred round the status of Indian Delegates at San Francisco. This gave me an opportunity to ask how their status could be imposed [improved]? They thought that the portfolio of External Affairs might be placed in the hands of an Indian subject to suitable co-operation between such a member of Council and the Crown Representative.

R. A. B.

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War Cabinet

India Committee. Paper I (45) 67

L/PO/6/108c: ff 66–75

FUTURE PROVISION OF OFFICERS FOR THE INDIAN ARMED SERVICES

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *24 April 1945*

The Commander-in-Chief has submitted a memorandum,[1] which I attach, in which he outlines his proposals for the future officering of the Indian Armed Services. These proposals are based on the premise that ultimately the control of India's Armed Forces will be exercised by an autonomous Indian Government. They envisage the gradual and progressive replacement by Indians of the British element in the officer cadre of the three fighting Services; the future maintenance of that diminishing British element in each by secondment from the corresponding British Service instead of by the grant, as heretofore, of permanent commissions into the Indian Services; and the immediate grant of a limited number of permanent commissions to Indian officers who are now holding temporary or emergency commissions.

2. I have been in consultation with the Secretary of State for War on these proposals. He feels that they should be considered by the India Committee in connection with the political matters now under discussion.[2]

3. The proposal to grant forthwith a number of permanent commissions to Indian officers can, I submit, be accepted without question. The Secretary of State for War is agreeable to this and, subject to the agreement of the other Service Ministers, I propose to authorise it. Agreement also to the principle of secondment seems to me to be inescapable.

[1] Enclosure to No. 297. [2] See No. 403.

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4. We have, of course, for a long time been committed to a gradual Indianisation of the Indian Army. Before the war the Indianisation scheme was confined to twelve units which were being gradually Indianised from the bottom upwards. This is all we were committed to apart from the general undertaking to promote Indianisation as rapidly as circumstances permit. During the war, however, owing to the extreme shortage of officers, Indianisation has been introduced throughout the Indian Army and Indian officers have been posted as circumstances required and regarded as interchangeable with British officer personnel. Indian officers have successfully held the command of fighting battalions and in one or two cases have commanded brigades and held appointments up to the rank of Brigadier. Clearly, in the circumstances, a big step forward in Indianisation will be necessary after the war and it is essential not to lose those of the temporary Indian officers who have gained wartime experience and are desirous of a permanent career.

5. A further consideration is that it is clearly impossible under conditions of progressive Indianisation of the Services for His Majesty's Government to guarantee reasonable certainty of a military career to a young British officer whose preference is for service in the Indian fighting forces unless his sheet anchor is in the British Army with frequent opportunities of service in the Indian Army. (The intention is to encourage the British officer to undertake several periods of secondment to Indian Army service, separated by intervals of a year or so: this will afford opportunity to preserve that close contact between British officers and Indian other ranks which has been a great source of strength to the Indian Army). In order to retain a sufficient number of the temporary officers who have been serving during the war as British Service officers attached to the Indian Army, it is clearly advisable to put our cards on the table and let those who want to stay with the Indian Army know what the future is likely to hold for them. Moreover, the Commander-in-Chief argues that from the point of view of professional efficiency under modern conditions, arrangements whereby officers can be transposed between the British and the Indian Armies will be very important.

6. The conditions of service governing arrangements for secondment from and reabsorption into the British Service of the British officers a proportion of whom in the process of Indianisation would become surplus not only to the needs of the Indian Services, but also, probably in less degree, to those of the British Army, are matters which will require detailed examination by the Government of India and the Departments of His Majesty's Government. It appears to me to be unnecessary to discuss them even in outline at this stage.

7. From the political aspect I consider that a step of the kind outlined in paragraph 1 is desirable. There has always been unanimous feeling among Indian politicians that the pre-war rate of progress in Indianisation was too

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slow and the maximum acceleration of the process consistent with military efficiency is clearly desirable from the political angle. Moreover, the continued grant to British officers of regular commissions in the Indian Army would, I feel, be regarded by Indian public opinion as a negation of our expressed intention progressively to Indianise the Army. Hence, from the political as well as the professional aspect, acceptance of the principle of secondment seems to me to be highly desirable.

8. I therefore ask the India Committee to agree that the Commander-in-Chief's proposals be approved in principle leaving the examination of the details to be made subsequently by the Government of India and the Service Departments in consultation.

9. The only remaining question is whether an announcement of this change, which would certainly be irreversible, should be made now. This I should be glad to discuss with the Committee. My present view is that an announcement would best be made at the same time or shortly after the declaration of policy now under discussion. This seems to me desirable both for the purpose of letting the young British officer know where he stands, and in order to make it clear to the Indian public that in respect of this essential of a self-governing country we are genuine in our declarations about helping India to attain self-government.

L. S. A.

Enclosure to No. 407

PROPOSALS FOR THE FUTURE OFFICERING OF THE ROYAL INDIAN NAVY, INDIAN ARMY AND INDIAN AIR FORCE

[*There follows the text of Enclosure to No. 297.*]

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War Cabinet

India Committee. Paper I (45) 70

L/PO/6/108c: ff 64–5

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *24 April 1945*

As agreed at the last meeting of the Committee,[1] the Minister of Aircraft Production and I discussed further with Lord Wavell today the wording of

[1] No. 405.

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the draft Statement. The Secretary is circulating separately to the Committee the revised text[2] showing the alterations which we suggest should be made.

2. The outcome of our discussion was that certain matters would best be dealt with not in the Statement itself but in the course of my speech explaining it to the House. These points are, the intention as regards the release of political detainees, the fact that under these proposals, if accepted, British Indian delegates to international Conferences will be chosen by the new Government of India, and the intention to appoint a United Kingdom High Commissioner in India, with a suitable explanation of his functions.

3. I attach a note showing the lines on which, if the Committee after further discussion think that advisable, I suggest that these matters might be dealt with in the Committee's Report.

4. Two paragraphs in the revised Statement deal with the transfer of the portfolio of External Affairs to an Indian Member of Council. These have been inserted in brackets because it is for consideration by the Committee whether they should actually appear in the declaration or whether this matter should be left to be used as a makeweight by the Viceroy in his conversations with political leaders or for subsequent introduction at a later stage. It is a question of balancing the advantage of the maximum offer beforehand with that of having something in hand when adjusting the composition of the new Council.

L.S.A.

NOTE

There are certain other matters which it is considered should not figure in the declaration itself, but with which it is necessary that the Secretary of State for India should deal in any accompanying statement.

The House of Commons will obviously wish to know what is to be done with regard to the Congress political detainees. It is suggested that the Secretary of State should make it clear that in the event of the success of the negotiations, H.M.G. would be prepared to recommend to the Central and Provincial authorities in India now in charge of these detainees to consider favourably the release of those detained as a result of the Congress resolution of August 1942.

If it is decided to include in the declaration the offer of the transfer of the portfolio of External Affairs, it is felt that any reference to the appointment of Indian representatives at international gatherings should be avoided, in order not to cast a reflection upon the existing representatives at San Francisco. It should, however, be made clear in the Secretary of State's statement, as it also would be by the Viceroy in any statement which he makes in India, that the delegates of British India at the Peace Conference or at other future international conferences would be chosen by the new Government of India.

It is in the opinion of the Committee important that the U.K. should appoint a High Commissioner in India in its own interest and apart from any consideration

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of the effect of such an appointment in enhancing India's status and making clear that the Governor-General's authority and his responsibility to the Secretary of State is concerned, not with the immediate interests, economic or otherwise, of the United Kingdom as such, but with the interests of the security and welfare of India itself, of the obligations of H.M.G. to the States, and with the general interests of the Commonwealth as a whole. This is a part of the policy recommended by the Committee which it is not proposed to include in the declaration, which is only concerned with proposed changes in India, but it should be stated and explained by the Secretary of State in the House of Commons.

[2] The note by Sir G. Laithwaite (I.(45)68) circulating the revised draft statement is not printed. For the text of this revised draft statement, see the second column of the drafts set out in No. 411.

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 15 *24 April 1945*

Julian is staying with me for a couple of nights. He is very well and appears to be completely happy in his job. He was most interesting on the subject of China, and has taken a real grip of the subject. He asked me the latest news of elections at home. You are a better guide than I can be of that subject!

2. War news in Europe still leads the headlines. The accounts of the atrocities in German Concentration Camps have been [*sic*] made a profound impression on the British out here but I see very little strong condemnation in the Indian press. Some favourable reference has been made to the good reception given to Indian P.O.Ws. arriving in England. This is worth more publicity.

3. We still have no news of any approaching end to your discussions in London. I learn from Wavell's message to Auchinleck that he will be there for ten days more at least. Here one of the results of the discussions seems to be that there is a political stand fast in the Provinces. The move towards ministry-making is more or less halted, and the Congress at any rate clearly wish to await the results of the talks and see whether they will not provide a more dignified opportunity of returning to office than is available at present. From my point of view this is all to the good as I did not want Governors to be pressed to make new commitments during the talks.

If we are to be committed to elections India will soon, I suppose, be in the midst of some political excitement, but then so may you at home with a

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difference however! You may have noticed Dow's cynical view of Indian elections expressed in paragraph 7 of his letter of the 20th April.[1] He says that the whole of the provincial services are at the beck and call of the Ministry in power and dare do no other work than electioneering so long as the elections are in progress; thus it is almost a foregone conclusion that a Ministry in power will be returned again. Possibly conditions in other Provinces would be slightly better than in Sind but even so I expect there is a lot in what Dow says. This raises the question whether elections should not if possible follow immediately on a period of Section 93 Government rather than come after a brief interlude of ministerial rule during which the party in power may consolidate its position and prepare for the elections. Of course if there were coalition governments in the interim period it would not be so bad.

4. Dalal has gone off to Bombay and I believe he leaves for England at the end of this week. Abell caught the last bag with a letter[2] to Turnbull enclosing a copy of the statement on industrial policy which has since been released to the press and an advance copy of the draft memorandum about the safeguards.

I have tried to explain to Dalal that the view advanced in Council by Benthall and by Mohammed Usman (who is *plus royaliste que le roi*) that British business has a perfect right to a full share of industrial expansion in India will be put to him much more strongly in England than it was in Council, and that the atmosphere which he will meet will be very different from the one here. My recollections of my years at the D.O.T. when the 1935 Bill was passed leave me in no doubt about that. I think he realises this but wishes on his part to put across the strong and indeed natural feelings of Indians and to secure a friendly understanding. He fully recognises how essential it is to India to secure British assistance but naturally he wishes to secure it on the terms most favourable to India. It is a pity that a friendly agreement with British industrial interests on the matter of subsidies and of the capital structure of new companies cannot be implemented without an amendment of the Constitution Act; but this appears to be the position and I hope you will not rule out from the start the possibility of a minimum amendment of the Act designed to make it possible to implement such an agreement and so drafted as to be in force only for so long as such an agreement subsists. I firmly believe that there is immense business opportunity here for Britain in the future but only if it is built on good service and goodwill, and a measure of success in Dalal's mission now would, in my belief, count for much in paving the way for good understanding.

The statement on industrial policy is getting a mixed reception in the Indian press. On the first day after publication there was a very critical article in the *Hindustan Times* but the next day they were inclined to see more good in the scheme. The Muslim League paper, *Dawn*, has produced a short and rather illiterate article and I do not think the paper has studied the statement closely

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enough to be able to put forward a representative Muslim view. It seems to me probable that the Muslim League will protest strongly against the length of the list of industries which Dalal wishes to bring under Central legislative control and will encourage the Muslim majority Provinces to fight hard on this issue. The question is however one for the final decision of the Central Legislature and from the purely constitutional point of view the opinions of the Provinces do not matter. From a practical point of view I think they matter a great deal.

The whole scheme is of course incapable of implementation unless the States are prepared to co-operate and if Wylie is able to secure their co-operation it will be a great feather in his cap. The expected difficulties with the Provinces and the States are a formidable obstacle in Dalal's way.

5. I said in my letter of April 10th[3] that I would not give Dalal letters of introduction until I had handed over as Viceroy and could write more or less in a private capacity. I am still here however and Dalal has asked for the letters I promised him so I have been placed in rather a dilemma. I came to the conclusion that the best thing was to write only to two relations of mine, Erskine-Hill and Bilsland, and to make it clear that these were social introductions and that official contacts would be arranged by the India Office. Dalal fully understands the position. I have seen much of him in the past two years and I know that a little attention such as a cordial reception in a friend's house would go a long way with him. Like many Indians he is as sensitive as he is able!

6. The attacks on British women in India which were made in the Lords[4] were I think unfortunate. Though there are still some slackers no system short of conscription can eliminate an element of slackness. On the other hand a great deal of hard and consistent work has been done by British women in India whose number is pathetically small in relation to the task. Many of them had to carry on in bad climatic conditions long after, on medical grounds, they should have been taking leave in England. Reuters and *The Times* telegraphed back a fairly full summary of the communiqué put out the next day by our Defence Department here and I hope the reply on behalf of the British women will receive a fair measure of publicity at home.

We are very much indebted to Lady Louis Mountbatten for her prompt reaction to the Lordly outburst. This will confirm the favourable impression which she made everywhere here. She is a remarkable woman and her tour to India and South-East Asia was of real value. I have written to Chetwode

[1] L/P&J/5/261. [2] L/E/8/3821: ff 413–14. [3] No. 383, para. 9.

[4] By Lords Strabolgi and Moynihan who alleged that European women in India were not doing enough to help the troops. See *Parl. Debs.*, 5th ser., H. of L., vol. 135, 18 April 1945, cols. 1178–9, 1189–90.

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telling him how very hard she worked here, how much she saw and how infectious her enthusiasm was. The British Red Cross and St. John Organisation did very well to send her out.

7. Some time ago some Indian journalists, many of them reporting to papers unfriendly to the British, were sent on a tour to Middle East and Italy. They made adverse reports about the standard of amenities for Indian troops and as you know there was an adjournment motion in the Assembly[5] which it was thought best to accept since Government could not hope in any case to defeat it. Since then both Auchinleck and I have had rather hot letters from Sir Homi Mehta who has helped to collect Rs. 3 crores for the Bombay War Gifts Fund. He says that he and especially his Ladies Committee feel that their efforts are in vain if in spite of them Indian soldiers overseas do not get properly looked after.

Auchinleck tells me that amenities for Indian troops had a bad start at the beginning of the war but that they have been steadily catching up in the last 3 years. Such deficiencies as there are are well known and every effort is being made to remove them. Recently Beresford-Peirse has been moved from G.O.C.-in-C., Southern Command, to be Welfare General and this indicates the importance that the Government of India attach to the subject.

Unfortunately these complaints about amenities for Indian troops have synchronised with the publicity given in England to the improvement of amenities for British troops and with the Prime Minister's statement in the House[6] in which he showed great solicitude for British troops in the East. Unfriendly papers here contrast the conditions under which British troops work with those for Indian troops. Actually the Indian troop is I think on the whole very well looked after and is far better clothed and fed than he ever is in his village home. But inevitably he travels third class when he goes on leave while the B.O.R. is allowed to travel second class: and differences of this sort can be exploited effectively in the newspapers. The answer clearly is to do all we can to improve Indian soldiers' amenities *pari passu* with British and to publicise all we do. Auchinleck is probably the greatest living authority on the subject and I believe he intends to visit Indian troops in Italy and Iraq on his way back from England. This would have an excellent effect.

8. I am grateful to you for promising to approach the Air Priorities Board for air passages from the United Kingdom for any key officials whom it is necessary to send home by air for leave independently of the Key Leave Scheme. This will be a great help to me and to Wavell and I note that you want us to keep down the numbers to the minimum until a more comprehensive scheme is ready. I trust that during Mudie's visit you have been able to make progress with a comprehensive scheme as it is a matter of real urgency in view of our serious man-power position.

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9. The two High Court Judges of the C.P. who were hearing the Chimur-Ashti application have disagreed and the case will now be heard by a third judge.

Not too hot here. We have been lucky so far.

[5] *The Legislative Assembly Debates*, vol. IV, 1945, 9 April 1945, pp. 2666–81.
[6] *Parl. Debs.*, 5th ser., H. of C., vol. 410, 18 April 1945, cols. 214–21.

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Mr Amery to Mr Churchill

L/P&J/8/653: ff 118–19

INDIA OFFICE, *25 April 1945*

Secretary of State's Minute: Serial No. P.12/45

Prime Minister

Your minute N.338/5[1] of the 15th April. The India Committee are considering in connection with the Viceroy's proposals the question of the release of Congress members who have been detained on purely political grounds. I have no doubt that this aspect will be dealt with in the Committee's report.

You refer to altering "our policy towards terrorists all over India". In his telegram 105,[2] paragraph 17, Casey is arguing his case for an election in Bengal towards the end of this year. If this were agreed to he says that the Congress organisation would have to be made legal in Bengal and Congress detenus (persons detained as potential organisers or promoters of the Congress disturbances in 1942 as distinct from people convicted under the ordinary law for violent offences or sabotage) would have to be released. He says, however, that there would be "no reason to yield to any antecedent demand for a general release of terrorists or fifth column security prisoners before a general election. Congress would of course demand a release of their political gangsters who are also members of terrorist organisations, but we should be on very strong ground in refusing this." He does not therefore contemplate releasing terrorists.

Casey has been told that consideration of what should be done in Bengal must await the outcome of the conversations with Wavell here. I agree that decisions taken in Bengal as regards the release of detenus must have repercussions in other Provinces and that the all-India aspects of Casey's proposals will have to be carefully considered. The India Committee have had Casey's telegrams; but I think you will agree that there is no need to consider them further until the general issues are decided.[3]

L. S. AMERY

[1] No. 392. [2] See No. 379.
[3] On 30 April 1945, Mr Churchill ringed in red the words 'no need' in the last sentence of Mr Amery's minute. L/P&J/8/653: f 117.

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War Cabinet

India Committee. Paper I (45) 69

L/PO/6/108c: ff 56–8

NOTE BY THE SECRETARY

WAR CABINET OFFICES, *25 April 1945*

I circulate herewith by direction of the Chairman the text—

(1) Of the original draft statement prepared by Sir Stafford Cripps, and circulated under I. (45) 57.[1]

(2) Of the revised draft prepared by the Secretary of State for India with the assistance of the Minister for Aircraft Production, and circulated under I. (45) 68.[2]

2. The principal drafting alterations are shown in italics.

3. The revised draft omits the following passages in the Minister of Aircraft Production's original draft:—

(i) *paragraph* 2.

(ii) *paragraph* 17: reference to appointment of certain minority representatives.

(iii) *paragraph* 22: Viceroy's Instrument of Instructions.

(iv) *paragraph* 28: arrangements for appointment of Indian delegates (see I. (45) 70, paragraph 2).[3]

(v) *paragraph* 29: United Kingdom High Commissioner (see I. (45) 70, paragraph 2).

(vi) *paragraph* 30, *1st sub-paragraph*: Release of prisoners (see I. (45) 70, paragraph 4).

4. While it includes as paragraphs 19 and 20 the substance of paragraphs 26 and 28 of the Minister of Aircraft Production's original draft regarding External Affairs, this should be read subject to paragraph 4 of I. (45) 70.

J. G. LAITHWAITE

ORIGINAL DRAFT BY SIR STAFFORD CRIPPS (I. (45) 57)

1. During the recent visit of Field-Marshal Viscount Wavell to this country His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.

DRAFT AS REVISED BY THE SECRETARY OF STATE FOR INDIA AND SIR STAFFORD CRIPPS (I. (45) 68)

1. During the recent visit of Field-Marshal Viscount Wavell to this country His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.

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ORIGINAL DRAFT BY SIR STAFFORD CRIPPS (I. (45) 57)	DRAFT AS REVISED BY THE SECRETARY OF STATE FOR INDIA AND SIR STAFFORD CRIPPS (I. (45) 68)
2. I now desire to inform the House of the result of those discussions.	[2. Omitted.]
3. Members will be aware that since the offer of self-Government was made to India in March 1942 there has been no further progress towards the solution of the Indian constitutional problem.	2. Members will be aware that since the offer made[4] by His Majesty's Government to India in March 1942 there has been no further progress towards the solution of the Indian constitutional problem.
4. As was then stated, the working out of a new self-governing constitution for India is a task which can only be carried through by the Indian peoples themselves.	3. As was then stated, the working out of *India's new constitutional* system is a task which can only be carried through by the Indian peoples themselves.
5. While His Majesty's Government are at all times most anxious to do their utmost to assist the Indians in the working out of a new constitution, it would be a contradiction in terms to speak of the imposition by this country of a self-governing constitution upon India. Such a thing is not possible nor could we accept the responsibility for enforcing such a constitution at the very time when we were, by its purpose, withdrawing from all control of British Indian affairs.	4. While His Majesty's Government are at all times most anxious to do their utmost to assist the Indians in the working out of a new constitution or *constitutions*, it would be a contradiction in terms to speak of the imposition by this country of *self-governing institutions upon an unwilling India*. Such a thing is not possible, nor could we accept the responsibility for enforcing such *institutions* at the very time when we were, by its purpose, withdrawing from all control of British Indian affairs.
6. The main constitutional position remains therefore as it was. The offer of March 1942 stands in its entirety without change or qualification. His Majesty's Government still hopes that the political leaders in India may be able to come to an agreement as to the method to be employed in working out that new constitution.	5. The main constitutional position remains therefore as it was. The offer of March 1942 stands in its entirety without change or qualification. His Majesty's Government still hopes that the political leaders in India may be able to come to an agreement as to the *procedure whereby India's permanent future form of government can be determined.*
7. His Majesty's Government is, however, aware that a continuation of the present situation is not helpful, and is most anxious to make any contribution that is practicable to the breaking of the political deadlock in India. While that deadlock lasts social and economic progress is being held up.	6. His Majesty's Government is, however, aware that a continuation of the present situation is *harmful*, and is most anxious to make any contribution that is practicable to the breaking of the political deadlock in India. While that deadlock lasts *not only political* but social and economic progress is being *hampered.*
8. The Indian administration, overburdened with the great tasks laid upon it	7. The Indian administration, overburdened with the great tasks laid upon it

[1] No. 390; cf. Cripps' earlier drafts in Nos. 359 and 386. [2] Not printed. [3] No. 408.

[4] The word 'made' was not included in this draft when it was circulated as India Committee Paper I (45)68.

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ORIGINAL DRAFT BY SIR STAFFORD CRIPPS (I. (45) 57)

by the war against Japan and by the planning for the post-war period, is further strained by the political tension that exists.

9. All that is so urgently required to be done for the agricultural and industrial development and for the workers and peasants of India cannot be carried through unless the whole-hearted co-operation of every community and section of the Indian people is forthcoming.

10. His Majesty's Government have therefore considered whether there is not something which they could suggest in this interim period, pending the formulation by Indians of the new constitution, which would enable the main communities and parties to co-operate closely together and with the British to the great benefit of the people of India as a whole.

11. It is not the intention of His Majesty's Government to impose any change against the wishes of any of the major Indian communities. But they are willing to make possible some step forward during the interim period if the leaders of the principal Indian parties are prepared to agree to their suggestions and to co-operate in the successful conclusion of the war against Japan as well as in the reconstruction in India which must follow the final victory.

12. To this end they would be prepared to see an important change in the constitution of the Viceroy's Executive. This is possible without making any change in the existing constitution except for one minor amendment to the 9th Schedule to the Act of 1935.

13. That Schedule contains a provision that not less than three members of the Executive must have had at least 10 years' service under the Crown in India.

14. If the proposals I am about to lay before the House meet with acceptance in India that clause would have to be repealed.

DRAFT AS REVISED BY THE SECRETARY OF STATE FOR INDIA AND SIR STAFFORD CRIPPS (I. (45) 68)

by the war against Japan and by the planning for the post-war period, is further strained by the political tension that exists.

8. All that is so urgently required to be done for the agricultural and industrial development and for the *peasants and workers* of India cannot be carried through unless the whole-hearted co-operation of every community and section of the Indian people is forthcoming.

9. His Majesty's Government have therefore considered whether there is not something which they could suggest in this interim period, pending the formulation by Indians of *their future constitutional arrangements*, which would enable the main communities and parties to co-operate closely together and with the British to the great benefit of the people of India as a whole.

10. It is not the intention of His Majesty's Government to *introduce* any change *contrary to the wishes of the major Indian communities.* But they are willing to make possible some step forward during the interim period if the leaders of the principal Indian parties are prepared to agree to their suggestions and to co-operate in the successful conclusion of the war against Japan as well as in the reconstruction in India which must follow the final victory.

11. (incorporating paragraphs 12, 13 and 14 of the original draft). To this end they would be prepared to see an important change in the constitution of the Viceroy's Executive. This is possible without making any change in the existing *law* except for one amendment to the 9th Schedule to the Act of 1935. That Schedule contains a provision that not less than three members of the Executive must have had at least 10 years' service under the Crown in India. If the proposals I am about to lay before the House meet with acceptance in India, that clause would have to be *amended to dispense with that requirement.*

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ORIGINAL DRAFT BY SIR STAFFORD CRIPPS (I. (45) 57)	DRAFT AS REVISED BY THE SECRETARY OF STATE FOR INDIA AND SIR STAFFORD CRIPPS (I. (45) 68)
15. The Viceroy has been authorised by His Majesty's Government to place their proposal before the Indian Leaders immediately upon his return to India. His Majesty's Government trust that the leaders of the Indian communities will be able to respond to these suggestions.	Transposed to beginning of new paragraph 17.
16. It is proposed that the Viceroy should in future make his selection for nomination to the Crown for appointment to his Executive from amongst representative leaders of Indian political life in proportions which would give a balanced representation of the main communities. 17. The new Executive would consist of equal proportions of Muslims and Caste Hindus with the addition of one representative each of the Sikhs, the scheduled castes and possibly of one other minority group. 18. It appears to His Majesty's Government that the best method of selection would be from a panel chosen from the Indian political leaders in the provinces and at the centre. From this panel the Viceroy would choose those whom he would nominate to the Crown for appointment.	12. (incorporating old paragraphs 16, 17, and 18). *It is proposed that the Executive Council should be reconstituted and that the Viceroy* should in future make his selection for nomination to the Crown for appointment to his Executive from amongst representative leaders of Indian political life *at the Centre and in the Provinces* in proportions which would give a balanced representation of the main communities, *including equal proportions of Muslims and Caste Hindus.*
19. All the members of the Executive would be representative Indians, with the exception of the Viceroy and the Commander-in-Chief, who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.	13. [5]The members of the Executive would be representative Indians, with the exception of the Viceroy and the Commander-in-Chief, who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.
20. Although these proposals can be brought into effect with only minor legislative changes, His Majesty's Government fully realise, and desire to emphasise, the fact that they have considerable constitutional implications.	14. Although these proposals *do not entail any major* legislative *change*, His Majesty's Government fully realise, and desire to emphasise, the fact that they have considerable constitutional implications.
21. If the members of the Viceroy's Executive are in future to be more representative than in the past of Indian political	15. If the members of the Viceroy's Executive are in future to be more representative than in the past of Indian political

[5] This sentence began 'All the members . . .' when this draft was circulated as I(45)68.

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ORIGINAL DRAFT BY SIR STAFFORD CRIPPS (I. (45) 57)	DRAFT AS REVISED BY THE SECRETARY OF STATE FOR INDIA AND SIR STAFFORD CRIPPS (I. 45) (68)
opinion (as is the intention) and therefore more responsive to that opinion, they must of necessity carry more influence and wield a greater power than at present.	opinion (as is the intention) and therefore more responsive to that opinion, they *will naturally have a wider influence.*
22. It is proposed if this scheme is accepted to issue a new instrument of instructions to the Viceroy which will make clear the exact field within which he will in practice be expected to exercise his special responsibilities in the future.	[Old paragraph 22 omitted.]
	16. (old paragraph 27, subject to the changes in italics). It must be made quite clear, however,[6] that nothing contained in any of these proposals will entail any change in the *Viceroy's relationship to his Council, nor in his responsibility to* the Secretary of State for India and through him to Parliament. Nor will it affect the relations of the Crown with the Indian States through the Viceroy as Crown Representative. *All* such changes must await the coming into operation of *fully self-governing institutions.*
23. The success of such a plan will depend upon its acceptance in India and the degree to which responsible Indian politicians are prepared to co-operate with the object of making it a workable interim arrangement.	17. (incorporating original paragraphs 15 and 23). The Viceroy has been authorised by His Majesty's Government to place *this* proposal before the Indian Leaders immediately upon his return to India. His Majesty's Government trust that the leaders of the Indian communities will respond. *For* the success of such a plan *must* depend upon its acceptance in India and the degree to which responsible Indian politicians are prepared to co-operate with the object of making it a workable interim arrangement.
24. If such a degree of co-operation can be achieved at the Centre it will no doubt be reflected in the Provinces and so enable responsible Governments to be set up once again in those Provinces where, owing to the withdrawal of the majority party from participation, it became necessary to put into force the powers of the Governors under Section 93 of the Act of 1935. During this period of great stress in Indian affairs it is to	18. If such co-operation can be achieved at the Centre it will no doubt be reflected in the Provinces and so enable responsible Governments to be set up once again in those Provinces where, owing to the withdrawal of the majority party from participation, it became necessary to put into force the powers of the Governors under Section 93 of the Act of 1935. It is to be hoped that in all the Provinces *these governments would be*

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ORIGINAL DRAFT BY SIR STAFFORD CRIPPS (I. (45) 57)	DRAFT AS REVISED BY THE SECRETARY OF STATE FOR INDIA AND SIR STAFFORD CRIPPS (I. (45) 68)
be hoped that in all the Provinces the majority party would agree to some participation by the minorities in the Government, thus smoothing out communal differences and allowing all the Ministers to concentrate upon their very heavy administrative tasks.	*based on the participation of the main parties,* thus smoothing out communal differences and allowing Ministers to concentrate upon their very heavy administrative tasks.
25. By their acceptance of and co-operation in this scheme the Indian leaders will not only be able to make their immediate contribution to the direction of Indian affairs, but it is also to be hoped that their experience of co-operation in government will expedite agreement between them as to the method of working out the new constitution.	(Old paragraph 25 transferred to new paragraph 21.)
26. There are two further changes which, if these proposals are accepted, His Majesty's Government suggest should come into operation at the same time.	19.[7] (old paragraph 26). There is *one* further *change* which, if these proposals are accepted, His Majesty's Government suggest should follow.
27. It must be made quite clear that nothing contained in any of these proposals will entail any change in the responsibility of the Viceroy to the Secretary of State for India and through him to Parliament. Nor will it affect the relations of the Crown with the Indian States through the Viceroy as Crown Representative. Such changes must await the coming into operation of a new self-governing constitution for all India.	(Old paragraph 27 transferred to new paragraph 16.)
28. The first proposal is that until that time arrives external affairs (other than tribal and frontier matters which must be dealt with as part of the Defence of India) should be placed in the charge of an Indian member of the Viceroy's Executive. This will give India control over its own external relations and will enable fully-accredited Ministers to be appointed for the representation of India	20.[7] (old paragraph 28). *That is that* external affairs (other than *those* tribal and frontier matters *which fall to be* dealt with as part of the defence of India) should be placed in the charge of an Indian member of the Viceroy's Executive *so far as British India is concerned, and that* fully-accredited Ministers *shall* be appointed for the representation of India abroad.

[6] 'however' was omitted when this draft was circulated as I(45)68.

[7] [Note in original:] Insertion of new paragraphs 19 and 20, and of the words in brackets in new paragraph 23 to turn on the decision whether to make an announcement of the intention to transfer External Affairs.

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ORIGINAL DRAFT BY SIR STAFFORD CRIPPS (I. (45) 57)	DRAFT AS REVISED BY THE SECRETARY OF STATE FOR INDIA AND SIR STAFFORD CRIPPS (I. (45) 68)
abroad, subject to a special responsibility of the Viceroy in matters affecting the Indian States. In addition the Indian delegates to international conferences and meetings will be fully representative of the main trends of political opinion throughout all India.	
29. The second is that in future His Majesty's Government should be represented in India by a High Commissioner, who will be able to represent directly the particular interests of the United Kingdom in India.	
30. His Majesty's Government desire to contribute all they can to produce favourable conditions for the acceptance of these proposals and are therefore prepared to advise the provincial and central Governments to release forthwith all those who have been detained in India upon purely political grounds.	21. (old paragraph 25). By their acceptance of and co-operation in this scheme the Indian leaders will not only be able to make their immediate contribution to the direction of Indian affairs, but it is also to be hoped that their experience of co-operation in government will expedite agreement between them as to the method of working out the new *constitutional arrangements.*
His Majesty's Government consider, after the most careful study of the question, that the changes suggested are the utmost that is practicable by way of interim progress within the present constitution. None of the changes suggested will in any way prejudice or prejudge the essential form of the new constitution or constitutions for India, but they will enable Indians of all communities to play their part immediately in helping the people of India to a fuller and happier life.	22. (sub-paragraph 2 of old paragraph 30). His Majesty's Government consider, after the most careful study of the question, that the *plan* suggested *gives* the utmost *progress* practicable within the present constitution. [8]None of these changes will in any way prejudice or prejudge the essential form of the *future permanent* constitution or constitutions for India, but they will *in the meantime* enable Indians of all communities to play their part immediately in helping the people of India to a fuller and happier life.
His Majesty's Government feel certain that given goodwill and a genuine desire to co-operate on all sides, both British and Indian, these proposals can mark a step forward in the collaboration of the British and Indian peoples towards the self-government of India and can strengthen the influence of India in the counsels of the nations.	23. (sub-paragraph 3 of old paragraph 30). His Majesty's Government feel certain that given goodwill and a genuine desire to co-operate on all sides, both British and Indian, these proposals can mark a *genuine* step forward in the collaboration of the British and Indian peoples *towards Indian self-government, and can* [*assert the rightful position and*][7] strengthen the influence of India in the counsels of the nations.

[8] This sentence began 'None of the changes suggested . . .' when this draft was circulated as I(45)68.

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War Cabinet

India Committee. Paper I (45) 71

L/S&G/7/262: ff 133–5

RECRUITMENT FOR THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *25 April 1945*

I circulate for information a report which I am about to submit to the War Cabinet in respect of the resumption of recruitment of European (as well as Indian) officers to the Indian Civil Service and Indian Police and the terms offered to potential candidates in view of the possibility of constitutional changes which would cause the termination of recruitment to and control of those Services by the Secretary of State for India.

It will be observed that the new conditions of service offered to service and other candidates applying for vacancies accrued during the war in the absence of any guarantee of a life career in the Indian Civil Service or Indian Police have been agreed by the Governor General in Council and approved by my Advisers, whose concurrence is statutorily required.

I should not trouble the Committee with this essentially administrative matter were it not for the probability that in the course of the debate which is anticipated in connection with the proposed declaration of political issues, the question will be asked what is being done about recruitment of Europeans, at any rate, to these two Services. A certain degree of controversy may obviously attach to whatever is said by the Government spokesman in view of the fact that the Sapru Committee demanded the immediate cessation of all European recruitment. I should therefore propose, in such statement as I shall be making in connexion with the political declaration, to indicate our general intentions in this respect, explaining that His Majesty's Government, as trustees for the future Indian Government of India, are concerned to secure that the administration which it takes over is not of reduced efficiency, and that, under present conditions, recruitment of the same European element as heretofore is held to conduce to the requisite standard of efficiency; that it is recognised that constitutional changes may occur quite early in the career of any officer recruited in the next few years which will transfer from the Secretary of State to the hands of an Indian authority the responsibility for recruitment to and the maintenance of these services, and that, in the light of this possibility, the terms indicated in my memorandum to the Cabinet are being offered in lieu of those hitherto

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obtaining. The new scheme, which cannot offer the certainty of a career under the Secretary of State, is devised to offer suitable compensation if an officer recruited now loses his employment in India prematurely, but is so devised as to preserve the possibility of his retention in service on equitable terms by whatever new Government in India may wish to avail itself of his services.

L. S. A.

Enclosure to No. 412

Final Draft

War Cabinet Paper W.P. (45) . . .

RECRUITMENT FOR THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, . . . *April 1945*

At their meeting on 9th June 1944[1] the War Cabinet agreed that it was essential to maintain European recruitment for the Indian Civil Service and the Indian Police at its present strength and quality and invited me to give further consideration, in consultation with the Treasury and the Civil Service Commission, to the basis and terms of recruitment to secure this end.

As regards the basis of recruitment, the question of interchangeability with the Administrative Class of the Home Civil Service, which was felt by some of my colleagues to merit examination, has been discussed by officials of my Department with representatives of the Treasury and of the Civil Service Commission and has been found not to be a practicable proposition. (This does not exclude the possibility of secondment of selected officers for limited periods either for training purposes or to undertake specific tasks. Such interchange of personnel is of value and will continue to be encouraged in suitable cases.) Nor is interchangeability with other overseas Services any less impracticable.

It is agreed to be essential that candidates for the Indian Civil Service and the Indian Police should be clearly warned that, if they are appointed, their appointments under the Secretary of State will be liable to be terminated at any time on account of constitutional changes, subject to their being given 12 months' notice. As regards the terms to be offered in these conditions to post-war recruits, some of my colleagues felt that the terms outlined in my previous memorandum[2] were likely to prove insufficiently attractive. This matter has been the subject of prolonged discussions by officials of my Department, in consultation with the Treasury, the Civil Service Commission and the Department concerned in the Government of India, and also at a later

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stage by the Governor-General of India in Council and by my Advisers, whose concurrence in the decision reached upon it is required by Section 261 of the Government of India Act, 1935. As a result of these discussions it has been decided to substitute for the existing pensionary system, not the combination of a contributory Provident Fund and a graduated scale of gratuities originally contemplated, but a scheme of lump sum grants ranging from £1,500 after 5 years' service to £15,000 after 25 or more years' service in the case of officers who retire voluntarily and from £4,000 after 5 years' service to £15,000 after 16 or more years' service in the case of officers whose appointments under the Secretary of State are terminated on account of constitutional changes. The proposed grants have been referred by my Department to the Treasury. The latter, after close examination and consultation with the Government Actuary, have expressed concurrence in the proposals as likely to satisfy the requirement of being sufficiently generous to attract recruits of the right type without being unduly extravagant.

It is hoped that, if and when appointments under the Secretary of State are terminated on account of constitutional changes, many of the officers affected will be invited and will be willing to continue to serve under government in India. In such cases the grants appropriate to their length of service under the Secretary of State would be placed to their credit with an independent authority and would be paid to them on their leaving the service of government in India, or to their heirs if they die while still serving.

The necessary measures have been taken to issue full information about recruitment to and service in the Indian Civil Service and Indian Police, together with the requisite application forms, etc., simultaneously with comparable matter in respect of the other civil Services in which a career is now being offered, by means of Admiralty Fleet Orders, Army Council Instructions and Air Ministry Orders to all potential candidates now serving in the Forces in all theatres, as well as by Press announcements to those qualified by other types of "War Service". The date fixed by agreement between the Service authorities and the Departments concerned for this general publication is June 1st.[3]

L. S. A.

[1] Vol. IV, No. 532, Minute 1. [2] Vol. IV, No. 522.

[3] This draft was circulated as War Cabinet Paper W.P.(45)275 of 26 April 1945 with the addition of the following sentences after the fourth sentence in para. 3: 'It is not considered necessary to provide for the payment of a retirement grant to officers who retire voluntarily within 5 years. Officers whose appointments under the Secretary of State are terminated within that period on account of constitutional changes will receive such proportionate grant as the Secretary of State may decide.' L/S&G/7/262: f 124.

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War Cabinet

India Committee. I (45) 23rd Meeting

L/PO/6/108c: ff 29–34

Those present at this meeting held in Committee Room 'C', House of Lords, S.W.1, on 25 April 1945 at 5 pm were: Viscount Simon (in the Chair), Sir John Anderson, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler; Sir Gilbert Laithwaite (Secretary)

THE LORD CHANCELLOR suggested that pending the arrival of the Chancellor of the Exchequer and the Minister of Aircraft Production, who were detained at a War Cabinet meeting, there would be advantage in a brief review by the Members of the Committee present of the general issue of policy.

THE SECRETARY OF STATE FOR WAR said that if the Committee was not more united in mind than seemed to be the case, the wisdom of going into action on a doubtful policy seemed questionable. It was now clear that most of the members of the Committee thought it had been a mistake to allow the Viceroy to come home and, too, that the Viceroy should have thought more deeply over the position before deciding to raise the political issue now. Some members of the Committee felt that, even now, the Viceroy should return to India to take further soundings before any final decision was taken. Others felt that it would be impossible for him to return without some new pronouncement. But there seemed general agreement that whatever the right solution might be, it was not represented by Lord Wavell's plan. That plan would frighten the loyalists and the Princes, have a bad effect on the Punjab, and be likely to result in an Executive Council controlled by Marwari interests. Its failure might result in some disturbance; Congress would be back on the map; and because the Viceroy's scheme, though in fact it had dangerous possibilities, had the appearance of being so limited, the fact that it had been put forward would not help us with world opinion.

The Chancellor of the Exchequer's alternative scheme had gone farther in some respects than Lord Wavell's. On the other hand it had presented a perfectly crisp and clear proposition, with precisely defined limits. It would, because of its more extensive character, make a better showing if rejected; and it would be difficult for the Viceroy to force a crisis on it here since it was in fact more generously conceived than his own.

He thought that the Committee should, in these circumstances, decide that they were not in any circumstances prepared to support Lord Wavell's plan.

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The alternatives then remaining seemed to be that Lord Wavell should go back to explore the position further; or the Chancellor of the Exchequer's plan. He thought it fair to add that in certain quarters there was, he thought, support for the revival of the Act of 1935 and a final effort to bring about the federation. He found a decision difficult, but the central point remained that no member of the Committee, save possibly the Secretary of State for India, was happy about Lord Wavell's plan, while certain members were unhappy even about the Chancellor of the Exchequer's alternative. He was not certain that Lord Wavell realised that the Chancellor of the Exchequer's plan would, in many respects, strictly limit his freedom of negotiation.

Surely in the circumstances he had described it would be unfair to the Cabinet that the Committee should submit a united report in favour of any move? If we felt the misgivings he had described, was it right to go on until we were more certain? He had reason to believe that the Governor of the Punjab was very uncomfortable as to the effect on that province of a political executive at the Centre, and that the effect of the Desai plan on the Princes might be very disturbing. In the face of these doubts were we justified in advising the Cabinet to go forward even on the basis of the Chancellor of the Exchequer's plan?

THE SECRETARY OF STATE FOR INDIA said that he thought that Lord Wavell was now prepared to accept the transfer of External Affairs, and the appointment of a United Kingdom High Commissioner, though he did not wish the latter to figure in any declaration but to appear in the Secretary of State's statement in Parliament. The difficulty of reverting to the Act of 1935 was that there was no hope of the Muslims accepting this because it meant the revival of federal unity with a responsible government. We could not alter the constitution save on the one hand on a unitary basis or on the other by dividing up India and either presented formidable difficulties. The alternatives were to do nothing or to accept the suggestion of Lord Wavell, or the modification of it proposed by the Chancellor of the Exchequer. He could see no other alternative. A flat refusal to consider any form of move would place him in a very difficult personal position.

THE LORD CHANCELLOR said that if there was to be a move he thought it would be difficult to improve on the statement circulated to the Committee as I. (45) 68.[1] The main argument for action was that Lord Wavell had come home and that it would be very difficult to explain away his return empty-handed. He was himself, however, not at all confident that any action was justified. If this scheme was honestly attempted he did not believe that the Indian leaders would agree. But he accepted that if we made a proposal on the lines of the draft statement, it would, even if rejected, dispose of any suggestion

[1] See the second column of the drafts set out in No. 411.

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that we were being unhelpful, and would, to that extent, be of value internationally, in Parliament and in this country.

THE MINISTER OF EDUCATION said that he remained of the view he had previously expressed in the Committee, that action now would prejudice the ultimate solution of the all-India problem on the basis of an all-India constitution. It would alienate the Muslims, and would not help with the Princes. He would have preferred a different approach. He agreed with the Lord Chancellor that the schemes before the Committee were unlikely to be accepted in India, and he felt certain moral difficulties about putting forward any scheme in such circumstances. If, however, the decision of the Committee was to be in favour of going ahead, he must reserve his right to explain his view in Cabinet either orally or in writing. It would be much the best solution from the Viceroy's point of view that he should return to India with knowledge of the mind of the Cabinet and of the Committee, discuss matters on the spot, and thereafter make his proposals to the War Cabinet for their consideration.

THE SECRETARY OF STATE FOR INDIA said that it would be impossible for Lord Wavell to do this unless given definite authority from the Cabinet with which to do it. That would almost certainly necessitate an announcement here. He remained of his previous view that we must either do nothing, or, in one form or another, encourage Lord Wavell by accepting his scheme as modified consequent on the discussion in the Committee and consideration of the Chancellor of the Exchequer's alternative, and subject to the inclusion in it of the transfer of External Affairs and the appointment of a United Kingdom High Commissioner. The only thing open to us was to make a change as proposed by the Viceroy in the personnel of the Executive Council. If, having done that, we could get started on reconstruction with a government of this nature, and later formalise arrangements for the selection of its members, we might get an interim constitution that would last for years. If the scheme now before the Committee was rejected we might be further still from a solution. We should not forget that the fact that the Cripps offer had been made, and its generous terms, had greatly helped us here, in Parliament and with world opinion, even though it had in fact been rejected by India. As regards the procedure for dealing with any plan, he thought it essential that there should be an announcement in the House of Commons, since to send the Viceroy back with a plan to negotiate would mean that that plan would be disclosed almost immediately, and that there would then be strong pressure from Parliament for a debate and a full statement here.

THE LORD CHANCELLOR asked whether it was the view of those members of the Committee present that the matter should be put to the Cabinet on the following lines:—

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'X'

(*a*) It was for the Cabinet to determine whether we could let things be. The fact that the Viceroy had come to this country for discussion was a material factor in any decision. To assist them to reach their conclusion we should set out the main considerations on either side, but should add that the Committee could not give final guidance to the Cabinet.

(*b*) If the War Cabinet decided that there must be a step that could be announced, then the Committee could not improve on the recommendation represented by the draft statement circulated under I. (45) 68 (subject to minor modifications).

At this point the Chancellor of the Exchequer and the Minister of Aircraft Production entered the meeting.

THE LORD CHANCELLOR briefly explained to them the general sense of the discussion that had taken place and of the suggestions he had put to the Committee as to the line to be taken with the Cabinet.

THE CHANCELLOR OF THE EXCHEQUER said that he viewed the whole matter with very great misgivings. At the same time he was impressed by the objection to letting the Viceroy return to India with nothing to show after what would certainly be assumed to have been a long series of conferences on the constitutional issue with His Majesty's Government. He was tenaciously convinced that if we were to take on, or attempt to take on, the step of introducing representative elements into the Viceroy's Executive, we must frankly face what was implied in this. He could not accept the draft statement circulated as I. (45) 68 as it stood. The irreducible minimum for which he must stipulate if that statement was to be accepted was the substitution for Clause[s] 15 and 16 of a clause running as follows:—

"The introduction of representative elements into the Governor-General's Council must, to the extent to which it succeeds, result in practice in limiting the exercise by the Governor-General of the special powers vested in him personally, with a corresponding *de facto* limitation of the powers and responsibilities of the Secretary of State for India and of Parliament itself. While, however, it is important that the changes now proposed should be frankly recognised and accepted, it must at the same time be made perfectly clear that until there has been established in India an Executive effectively responsible to the Indian people through organised representative institutions, the powers and responsibilities of the Governor-General, the Secretary of State and Parliament cannot be abrogated".

To this there should be added a reference to suitable instructions to the Viceroy.

He wished to repeat that this addition was essential from his point of view. If made it would be a peg on which we could hang something later. Unless we said something of this sort there was real danger of the situation slipping.

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THE MINISTER OF AIRCRAFT PRODUCTION in reply to a question said that he felt that Lord Wavell must be told that this was what the Committee would recommend. We had been at great pains to meet the Viceroy over every sort of point in this discussion but if Lord Wavell was not prepared to accept this, he must make the best of it.

After a brief discussion *the Committee* accepted the Chancellor of the Exchequer's view and agreed that the clause proposed by him should be substituted for the present clause[s] 15 and 16 as a new clause 15.

It was, however, important to cover the question of the Indian States and the Committee *agreed* in these circumstances that the following should be added as a new clause 16:—

> "Nothing contained in any of these proposals would affect the relations of the Crown with the Indian States through the Viceroy as Crown Representative."

Drafting of Statement

The Committee next discussed the draft circulated under I. (45) 68 and reached the following conclusions:—

(1) *Clause 4, first sentence.* For the words "constitution or constitutions" substitute "a new constitutional settlement".

THE SECRETARY OF STATE FOR INDIA explained that the Viceroy, though he had previously agreed to the present wording, on further consideration pressed for an amendment in this sense. He did not wish, however, to make a corresponding amendment in Clause 22.

(2) *Clauses 12 and 13.* Omit "representative" before "leaders of Indian political life" in Clause 12, and "representative" before "Indians" in the first sentence of Clause 13.

It was pointed out that the draft as it stood would be very wounding to the present members of the Council who were representative in their own way.

(3) *Clauses 19 and 20*—External Affairs.

There was general support for the view that these clauses should stand and that the statement should contain a definite indication that it was proposed to transfer External Affairs.

THE MINISTER OF AIRCRAFT PRODUCTION made the point that he did not wish this matter left open for bargaining. THE SECRETARY OF STATE FOR INDIA said the Viceroy, though without enthusiasm, would, he felt, be prepared to agree.

(4) *Clause 20.* It was agreed that for the phrase "fully accredited Ministers" there should be substituted the words "fully accredited representatives".

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(5) *Clause 22 (i).*

THE LORD CHANCELLOR suggested, and the Committee agreed, that, in the first sentence of Clause 22 after the word "plan" there should be inserted the word "now".

(ii) The Committee *agreed* that the words in the last sentence of Clause 22 which run "but they will in the meantime enable Indians of all communities to play their part immediately in helping the people of India to a fuller and happier life" should be omitted.

(6) THE LORD CHANCELLOR suggested, and the Committee *agreed*, that throughout the statement, the phrase "British Government" should be treated as plural.

Indianisation of the Indian Army (I (45) 67)[2]

The Committee then considered the memorandum by the Secretary of State for India, (I. (45) 67) regarding the Indianisation of the Indian Army.

THE SECRETARY OF STATE FOR WAR said that he was ready, if that was the general sense of the Committee, to say that in view of the pledges of the past and the way Indians had fought in this war, he regarded as inescapable the Indianisation of the Indian Army on the lines proposed. He felt that a statement to this effect should be included in the Committee's report to the Cabinet, with the addition that the Committee felt that this was a factor to be taken into account in considering their decision on the political issue. He thought that it was a decision of the first importance which would have the greatest effect in supporting our good faith.

The Committee accepted the view of the Secretary of State for War and agreed that the report should state in terms that in their view this was an inevitable and inescapable conclusion which must be announced at the same time as any political announcement.

THE SECRETARY OF STATE FOR INDIA suggested, and the Committee *agreed*, that the announcement could be made in his statement in the House.

Drafting of the Report

The Framework of the Report.

The *Committee* again considered the framework of the report and *agreed* that, given the lack of unanimity in the Committee, the line proposed by the Lord Chancellor at "X" on page 965[3] should be adopted. They invited the Lord Chancellor to prepare a report for approval in circulation with a view to very early discussion in the Cabinet.

[2] No. 407. [3] The page number has been altered to conform with the present volume.

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Miscellaneous Points (I. (45) 70)[4]

A brief discussion followed as regards the line to be taken on the point raised in the note enclosed in the Secretary of State for India's memorandum (I. (45) 70). The Committee agreed that these matters should be dealt with briefly in the report; and took note of the view of the Minister of Aircraft Production that the proposal suggested in paragraph 2 of the note attached to I. (45) 70 represented the minimum which it would be possible for him to accept as regards the release of political prisoners.

[4] No. 408.

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Sir H. Lewis (Orissa) to Sir J. Colville (Extract)

L/P&J/5/235: f 99

Report No. 8 GOVERNMENT HOUSE, PURI, *26 April 1945*
D.O. No. 292–G.C.

3. SAPRU'S PROPOSALS. I was naturally very interested also in your comments[1] on the Sapru proposals. They have had no better a press here than in other parts of India. I think Sapru should be held to have shown a good deal of courage in coming out with these highly controversial suggestions to which, as Chairman of the conciliation Committee, his own name is naturally given. He seems from what you tell me to have been under no illusions as to the kind of reception his proposals would get. But, while party and communal opinion has been expressed very much on the lines that might have been anticipated, I still think it has been useful to us that these proposals have been placed before the public in circumstances which make it quite clear that they are wholly Indian in their origin and uninfluenced by any kind of official pressure. We have moreover had an opportunity of estimating the reactions particularly in their communal aspect. In view of the Muslim demand for Pakistan I think Sapru must have been trailing his coat when he chose to speak, quite so specifically as he did, of an Indian Union as distinct from an Indian Federation with the purpose no doubt of emphasizing the importance he attaches to a highly centralized form of Government with supreme authority throughout the country, not excluding the Indian States. Sapru has in fact reverted to many ideas and conceptions which have at one time or another been his hobbies in the past. Long before the R.T.C. conferences he used to argue that the future wholly Indianized Central Government should inherit paramountcy in its own lawful right and

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title and, unless my memory is at fault, he wrote the chapter on that subject in the ill-fated Nehru Report[2] now many years ago.

[1] Not traced in India Office Records; but see Nos. 365 and 383, para. 3.
[2] *Report of the Committee appointed by the Conference to determine the principles of the Constitution for India* (All Parties Conference, Allahabad, 1928).

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Mr Clauson to Mr Corfield

L/P&S/13/981: ff 6, 10

INDIA OFFICE, *26 April 1945*

I enclose a copy (I am afraid rather illegible) of a note of the discussions between the Secretary of State and Lord Wavell the other day. Jenkins has seen it and has no comment; he proposes to take a copy back with him to India. Patrick proposes to send a copy personally to Wylie so that he may not think we are doing anything behind his back. If you have any comments or amendments, please let me know.

[The remainder of the letter, dealing with arrangements for Mr Corfield's air passage home, omitted.]

Enclosure to No. 415

Note of Discussion at India Office on 19.4.45.

Present:—Mr. Amery, Lord Wavell, Sir D. Monteath, Mr. Corfield, Mr. Patrick, Sir E. Jenkins

Future of the Small States

It was agreed that all States cannot survive: the only question is how many we can aim at perpetuating.

Lord Wavell asked whether the financial basis (lakhs of Revenue) is the right one for discriminating between States which ought and ought not to survive. It was agreed that other considerations, e.g. membership of the Chamber and historical background, are also relevant. Mr. Corfield mentioned that the Western India Attachment Scheme greatly alarmed the smaller Rulers as a whole, since they did not know where this principle of attachment might stop. In the end, the scheme was specifically confined to Western India; this reassured Rulers, but left Political Officers in the air; there is at present no indication how far the Paramount Power intends to go in the direction of combining States into viable units.

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It was agreed that it might well be considered whether the time has now come to work out a scheme for mediatising the Small States; the definition of "Small States" might be based on Division XVII of Schedule 1 of the 1935 Act, (which includes some 420 small States which on 1st January 1935 were included in the Western States, Gujarat States, Deccan States, Eastern States, Central India and Rajputana Agencies or were in political relations with the Governments of the Punjab or Assam.) Mr. Corfield made it clear (*a*) that he would not like at this stage to consider any scheme covering States other than those in Division XVII; (*b*) that no State to which the Federal offer was made should be included in any such scheme.

As regards the method of mediatisation, it was felt that it would be for the Central Government to provide financial inducements to a Ruler to allow his State to be absorbed in a British Indian Province, but if absorption in a larger State were contemplated, it would be for the larger State to give the inducement. For sentimental reasons it might be necessary for the inducement to take the form of revenue rights rather than cash allowances—viz. the Ruler might have to be made a Jagirdar, losing his ruling powers but receiving in exchange the right to collect revenue and the status of an honorary British Indian (or State) official. The difficulty about absorption of this sort in a British Indian Province (apart from the probable reluctance of the Province to take the job on) would be the impossibility of giving a guarantee of the jagir rights against subsequent cancellation by an autonomous provincial government; the balance of advantage might therefore lie with absorption in another State—though this again might involve administrative difficulties if there were no suitable coterminous State. In any case, the *alternative* of absorption in a State might be offered.

Lord Wavell asked whether any estimate has been made of the amount needed to buy the small Rulers out. It was agreed that no such estimate could be made until we have decided what proportion of the revenue of various classes of State could properly be regarded as a legitimate amount for the Privy Purse. It was suggested incidentally that compensation for loss of sovereignty might also be demanded. Some 150[1] States would still remain even if a scheme of mediatisation on the above lines were worked out and were accepted by all the States involved. So far as this residue of States is concerned, all that can be done is to encourage grouping, sharing of expert advisers, etc., particularly in the economic field. It was pointed out that some progress has already been made, in the ordinary course of events: e.g. States have found it necessary to fall into regional groups for food questions and in these groups are dealt with by the Central Government on a system anticipatory of Federation, and it is likely that the same thing will happen in regard to Reconstruction projects. Thus States will probably gravitate naturally into groups—and into regional grouping with British Indian districts—for the furtherance of practical objects, while retaining their individual identities.

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As regards Reconstruction, Mr. Amery suggested (*a*) that the National Defence Council might be developed into a National Reconstruction Council. Lord Wavell felt doubtful about this: (*b*) that the Political Adviser might provide himself with a full-time Economic Assistant within his Department. Mr. Corfield took note of this suggestion.

Mr. Corfield felt that the best way of keeping the States in step with British India on Reconstruction issues is the method which Sir Francis Wylie is developing—viz. liaison with departments of the Government of India on the one hand and Diwans of States on the other. He himself had been turning over in his mind the idea of having a small consultative body, nominated by the Chamber of Princes, with which the Political Adviser could discuss matters of common interest to British India and the States, as they arise before finalising his recommendations on policy.

It was agreed that no formal conclusions should be recorded. It was felt that the discussion would provide a very useful background for further consideration—primarily by Mr. Corfield—of the various matters touched upon. Mr. Corfield is not taking over as Political Adviser till July, and he will then require several months to pick up the threads in the Department. He will then make recommendations to the Crown Representative about the directions in which he proposes to develop or initiate lines of policy.

[1] [Note in original:] The number of States named in Divisions I to XVI of the Schedule is 145 (this leaves say 415 (560 less 145) included in Division XVII).

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Sir G. Laithwaite to Mr Turnbull

L/PO/6/108c: f 55

TOP SECRET AND PERSONAL WAR CABINET OFFICES,
GREAT GEORGE STREET, S.W.1, *26 April 1945*

My dear Frank,

The Lord Chancellor on the conclusion of the meeting of the India Committee this evening dictated the draft of a report to the War Cabinet. This will, I hope, be circulated for the concurrence of Members early tomorrow.

He asked me, however, to mention to the Secretary of State that he thought it important that the report should not be made available to Lord Wavell. Would you be so kind as to so inform the Secretary of State.

Yours sincerely,
GILBERT LAITHWAITE

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Mr Turnbull to Sir G. Laithwaite

L/PO/6/108c: f 48

TOP SECRET AND PERSONAL INDIA OFFICE, *26 April 1945*

My dear Gilbert,

Thank you for your letter of the 26th April.[1] I have told the Secretary of State of the Lord Chancellor's wishes in regard to the report of the India Committee.

Yours ever,

F. F. TURNBULL

[1] No. 416.

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War Cabinet

India Committee. Paper I (45) 72

L/E/8/3821: ff 429–31

Commercial Discrimination Provisions of Government of India Act, 1935

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *26 April 1945*

In my memorandum No. I (45) 36 of 23rd March[1] I informed the India Committee that Sir Ardeshir Dalal proposed to come to London in order to discuss with His Majesty's Government the effect of the commercial discrimination provisions of the Government of India Act on his plans for the post-war development of Indian industry.

2. Sir A. Dalal is now likely to reach London on about 2nd May. The Committee should however see the annexed telegram which summarises a note on the commercial safeguards approved by the Governor-General's Executive Council for use by Sir A. Dalal as a brief in his discussions in London. It will be seen that Sir A. Dalal proposes to ask for the repeal of the provisions in question or their modification with a view to the authorities in India being placed in a position (*a*) to restrict the extent to which United Kingdom interests may participate in the development of about 20 basic industries; and (*b*) to grant subsidies to Indian companies engaged in any industries without giving them to United Kingdom companies engaged in them.

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3. I shall circulate another paper to the Committee commenting on the Government of India's proposals and discussing how we should deal with them.

L. S. A.

Annex to No. 418

TELEGRAM FROM THE ACTING VICEROY TO THE SECRETARY OF STATE FOR INDIA, NO. 748–S, DATED 25TH APRIL, 1945

Dalal unlikely to reach United Kingdom before 2nd May and full text of draft statement on safeguards which follows by mail should reach you well in advance. There is no question of publication prior to discussion in London. Following is brief summary.

2. Paper begins with abstract of relevant Sections of the Act and mentions special responsibility of the Governor-General under Section 12 and Governors under Section 52 in the administrative field. Indian opinion never reconciled to these provisions. Position irrevocably established during Cripps Mission that they would not appear in the future constitution and would be replaced by treaty or trade agreement freely negotiated. Evidence of intense public interest in the subject is then quoted.

3. Then follows summary of future industrial policy of the Government as laid down in the statement already published.

4. For purposes of safeguard basic industries may be taken to include all twenty industries mentioned in the industrial policy statement as requiring to be brought within the sphere of the Government of India legislative action, with the exception of cement, sugar and cotton and wool textiles.

5. In respect of basic industries Government of India propose that all new companies which operate in India should offer 70 per cent. of capital with corresponding voting rights to Indian nationals. Where existing British companies desiring to expand, extra capital if it exceeds twenty-five per cent. of existing capital or rupees ten lakhs, whichever is the less, should be subject to the same conditions. By British companies is meant companies with sterling capital or with more than thirty per cent. non-Indian rupee capital and voting right.

6. Government of India appreciate that in case of new industries involving highly technical operations and use of patent rights British firms may be unwilling to participate on minority basis without effective voice in the management. British firms could in such cases take up managing agency of Indian companies for period not exceeding twenty years which is the maximum allowed under the Companies Act, but condition would be attached that

[1] No. 336.

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Indian personnel should be trained over all grades of industry. Further continuation of managing agency agreement would be matter of negotiation at the end of twenty years.

7. Legislation to implement above policy would be ineffective at present in view of Sections 113 and 114 of the Constitutional Act and executive instructions to same effect would invoke special responsibilities of Governors. Subsidies to Indian companies with the object of assisting them to compete against British companies would be ruled out under Section 116. Guarantee of minimum rate of dividend and loans to Indian companies at less than commercial rates of interest would also be objectionable.

8. It is not possible at present to state how different industries will be assisted or extent to which safeguards are likely to hamper development. Reports of panels dealing with these subjects will not be ready for some time.

9. Target of three million tons for iron and steel during first five years post-war period under consideration. If this is accepted at least one large additional steelworks must be established. Indian opinion will require that it should be owned and controlled by Indians. Capital might amount to Rupees 20 crores. The necessary assistance to such a company could not be given owing to safeguard sections. Any British concern might erect steel plant with 100% British capital and Government of India could do nothing.

10. Similarly electrical machinery is being manufactured by (corrupt group) satisfactory British combination[2] which desires to increase capital four-fold and might capture the whole business of manufacturing electrical machinery in India. Similar is the case of heavy chemicals industry. Rubber manufacturers are almost British and American monopoly in India. If these concerns expand sufficiently it will be impossible for Indian industry to establish itself.

11. Again British interests might capture automobile, tractor and aircraft industries.

12. In case of shipbuilding both government and private enterprise will be engaged but government wish to ensure that private part of industry is under Indian control.

13. Government of India earnestly desire that Indian industry should be developed by Indians with co-operation and assistance of British industry. India is in need of both capital goods and technical advice and would prefer to get them from United Kingdom. There is great scope for increased trade and commerce between the two countries. Government of India have considered possibility of negotiating agreement with British industrial interests but are advised that agreement could not be implemented in view of Sections 12 and 52 of the Government of India Act. They hope that if safeguard provisions

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cannot be repealed altogether Act may be amended so as to enable Government of India to carry out the following objectives:

(1) to impose conditions in respect of basic industries to leave control effectively in native hands;
(2) to be free to grant assistance to Indian companies in basic industries field as suggested in paper on industrial policy; and
(3) in respect of other industries to enable Government of India and Provincial Governments to grant subsidies to Indian companies without being called upon to grant similar subsidies to British companies.

[2] In the Executive Council's Memorandum this passage read: 'To take another instance, electric machinery is being manufactured in India today by a powerful British combine.' L/E/8/3821: f 417.

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Field Marshal Viscount Wavell to Mr Amery

L/Mil/7/19590: f 227

PERSONAL AND SECRET INDIA OFFICE, *26 April 1945*

My dear Leo,

We discussed briefly this morning Grigg's views about the future of the Indian Army, and you said you thought he might press for an announcement of H.M.G.'s intentions as part of the political announcement now contemplated.

I think it would be most unwise to say anything about the Indian Army now. If Auchinleck is authorised to give a limited number of permanent commissions to Indians, nothing more is required for the time being. His main proposal for the stoppage of direct British appointments to the officer ranks, and for a system of secondment from the British Service, needs more detailed examination before any announcement is made. I believe the proposal would be popular in India, but it will lead to controversial discussion about the composition of the Indian Army and the other fighting services, and I see no reason for saying anything about it until we are sure that it can be worked from this end. We can then consider how and when an announcement should be made.

Anyway we had better wait to see Auchinleck.

Yours ever,
ARCHIE

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Mr Amery to Sir J. Colville

Telegram, L/P&J/8/659: f 32

IMPORTANT INDIA OFFICE, *27 April 1945, 6.20 pm*

9445. Reuter message dated Peshawar 26th April reports Dr Khan Sahib as saying with reference to statement recently made by me in Parliament[1] that he had given no assurance to Governor to support war effort nor had he been asked for any such assurance. My statement was based on Governor's telegram of 14th March, No. CA 23.[2] I anticipate enquiries in Parliament and elsewhere and should welcome your early comments and advice as to what I should say if questioned. Will any statement be issued by Governor?

[1] Mr Amery's statement, made in answer to a question from Mr Sorensen, gave details of the new Congress Ministry in the N.-W.F.P. It made no reference to the question whether assurances on the war effort were demanded of the new Ministers. See *Parl. Debs.*, 5th ser., H. of C., vol. 409, 12 April 1945, cols. 1968–9.

[2] In the course of this tel., Sir G. Cunningham informed Lord Wavell and Mr Amery that Dr Khan Sahib had 'given all assurances regarding administration and the war effort'. L/P&J/8/659: f 50.

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Viscount Simon to Mr Amery

L/PO/6/108c: f 23

HOUSE OF LORDS, S.W.1, *27 April 1945*

My dear Leo,

I have done my best to incorporate into the draft Report of the India Committee, which I am sending at once to the P.M., the changes which have been suggested by you[1] and other members. The Chancellor of the Exchequer, the Secretary of State for War, and the Minister of Aircraft Production had no criticisms to offer to my original draft. There are some re-arrangements in the order of paragraphs among the changes you proposed, and these I have given effect to. I venture to think that the expansion of paragraph 5 (c)[2] (which is now paragraph 5(a)) which you suggested is rather out of scale with the other paragraphs, especially as our object in this part of the Report is not to argue in favour of action in such terms as to belittle the argument the other way; or *vice versa*. But, in view of your desire to express paragraph 5(a) at greater length, I have put in a re-statement, which closely follows your wording, which enlarges the paragraph in a way which I think you will find quite satisfactory.

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The only other point on which I should like specially to inform you now regards paragraph 13.[3] I propose to say, "We are clear that the proposals in the form brought home by the Viceroy are unacceptable". I do not think we should agree in the Committee that the present proposals should be regarded as the Viceroy's proposals, and perhaps your suggested amendment did not really involve this, though it almost seems to suggest it. My words express the rejection of the Viceroy's original form, and you can say verbally to the Cabinet whether the Viceroy merely acquiesces in, or positively urges, the scheme contained in your proposed statement.

The matter is so urgent that I feel I ought to send the document thus revised to the P.M. at once. Indeed, I am asked to do so, so I hope you will forgive me if you feel there are further imperfections which could have been avoided in the document as sent in.

Yours ever,
JOHN

[1] Mr Amery's letter commenting on Lord Simon's draft Report is not on L/PO/6/108c although the file does contain rough notes of suggested amendments.

[2] Para. 5 (c) of Lord Simon's draft Report reads:

> 'The Viceroy's view, strongly expressed to the Committee, is that though he might be able to carry on for a short time without change, the clock is running down, and that it is essential from the point of view both of the political situation and of the position of the administrative machine to make some advance at this present stage. Much importance, he contends, must attach to the considered view of the man on the spot.'

L/PO/6/108c: f 42. Cf. No. 423, para. 5 (a).

[3] Para. 13 of Lord Simon's draft Report summarises the Conclusions of the India Committee. The sentence in question reads: 'We are clear that the Viceroy's proposals are inacceptable.' Mr Amery apparently suggested the sentence should read: 'We are clear that the Viceroy's proposals in their original form are unacceptable'. L/PO/6/108c: f 47.

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Mr Amery to Mr Churchill

L/WS/1/924: f 373

INDIA OFFICE, *27 April 1945*

Secretary of State's Minute: Serial No. P.14/45

Prime Minister

The Lord Chancellor will, I understand, send you the report[1] of the India Committee this week-end.

2. In paragraph 11(*a*) of the report reference is made to the Indianisation of the Army, and it is proposed that a further announcement about Indianisation

[1] See No. 423.

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should be made in the course of any statement to the House of Commons announcing a new policy in the political field, if a step of that sort is approved by the War Cabinet.

3. Before the war we were committed to promote the Indianisation of the Indian Army as rapidly as the maintenance of military efficiency would allow. Indianisation was also proceeding in the Royal Indian Navy and in the Royal Indian Air Force. In the Indian Army Indianisation was then confined to 12 units which were being Indianised from the lower ranks upwards. During the war, owing to the acute shortage of officers, it was decided to post Indian officers to all units of the Indian Army and large numbers of Indian officers were recruited on a temporary basis. This experiment has justified itself and taken as a whole the Indian officers have done extraordinarily well in the war. A considerable number have commanded battalions with success and one or two have reached the acting rank of Brigadier.

4. The time has come when we must decide on our policy, as the temporary Indian officers want to know what their prospects are of a military career. The Commander-in-Chief has submitted a memorandum[2] making proposals on this subject, of which a copy is attached, together with a summary.[3]

5. The Viceroy and I support these proposals. The Secretary of State for War stated in the India Committee that he regarded them as inescapable and in [?is] in favour of making an announcement of their purpose on broad lines in connection with any political announcement which it may be decided to make.

6. The Commander-in-Chief's memorandum was referred at the end of March to the Admiralty and Air Ministry as well as to the War Office, but their views have not yet been received.

7. You may feel that these proposals should receive further consideration on the military side. If so, I suggest that they might be considered by the Defence Committee next week. I have sent you a separate Minute about Auchinleck's proposed visit to this country, and he should be available if required for consultation in regard to them by Thursday.

L. S. AMERY

[2] Enclosure to No. 297. [3] This summary is not printed.

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War Cabinet

India Committee. Paper I (45) 73 (Final)[1]

L/PO/6/108d: ff 228–31

INDIA: THE CONSTITUTIONAL POSITION

REPORT BY THE INDIA COMMITTEE

27 April 1945

I.—The Background of the Viceroy's Visit

The War Cabinet at their meeting on the 18th December, 1944 (W.M. (44) 171st Conclusions, Minute 6),[2] invited the India Committee to proceed with examination of the Indian problem consequent on certain exchanges of correspondence with the Viceroy. In March 1945, on the urgent representation[3] of the Viceroy that he should return to this country without further delay for consultation with His Majesty's Government on the constitutional proposals which he wished to put forward, the War Cabinet agreed[4] that he should do so, and invited the India Committee to report to them on Lord Wavell's proposals after discussion with him. It is important to emphasise that this is the actual situation with which we have had to deal, for the decision to be reached is undoubtedly affected by the fact that the Viceroy is known to have returned to this country for the purpose of consultation with His Majesty's Government on this sort of question.

II.—The Viceroy's Proposals

2. We need not trouble the War Cabinet with the detail of the Viceroy's proposals. Very briefly their effect is that he should be authorised by His Majesty's Government to enter into negotiation with Indian political leaders for a constitutional advance which would be represented by the substitution for the existing members of the Governor-General's Executive Council (other than the Commander-in-Chief and the Viceroy himself) of Indians chosen from lists put forward by the leaders of certain political parties consequent on a conference with the Viceroy. There would be no formal change in the constitution save that legislation would be necessary wholly to eliminate the official element in the Executive Council for which the present Act makes provision. The Viceroy greatly desired a free hand in the matter, and thought that if he was permitted to approach the leaders of the main political organisations in India, and in particular the leaders of Congress and of the Muslim League, he

[1] This report was also circulated as War Cabinet Paper W.P.(45)274 of 27 April 1945.
[2] No. 152. [3] No. 317. [4] See No. 321.

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would be able to produce a new Executive, composed of these representative persons, in place of his present Council.

3. The Committee have had many meetings, including several at which the Viceroy has attended. In the result they have reached the conclusion that the Viceroy cannot prudently be given the free hand which he desires. It seems to us that if authority is to be given for seeking to make at this time an important change in the composition of the Viceroy's Council, it must be done with a clear and definite recognition of the extent to which Indian administration and the Viceroy's responsibilities will be affected. To entrust to the Viceroy so wide an area of negotiation is, in our judgment, likely to put him in a very difficult position, since different party leaders would seek to make terms for securing their own particular objectives, e.g., Pakistan on the one hand, and Hindu supremacy on the other. If, therefore, a change is now to be sought, it ought to be within a framework which is definitely laid down by the War Cabinet itself, and made public in a formal announcement by the Secretary of State for India in Parliament. Indeed, it would be manifestly impossible for the Viceroy to return to India with authority to make enquiries and proposals without publishing what they were, for there would inevitably be an immediate leakage, and Parliament would certainly require full information as to the position.

III.—Should any new departure be attempted?

4. There is, however, one preliminary matter on which the Committee is not able to offer a unanimous view, and which must be submitted to, and decided by, the War Cabinet itself. This is the question whether any new departure should now be attempted at all. If it is decided by the War Cabinet that we are inevitably driven to make a new approach the Committee is able to give more precise advice as to the nature of the action that should be taken.

5. It is necessary to set out briefly the arguments on either side on this preliminary point:

Arguments for a new step.

(*a*) The Viceroy's view, strongly expressed to the Committee, is that while he can hold the situation for the time being, it may easily be serious once hostilities are over, and that unless action is taken now irretrievable damage may be done to British-Indian relations. After the war there will be a most difficult period of transition from war to peace conditions. The under-manned and over-worked administrative clock is running down, and it is essential, from the point of view both of the political situation and of the administrative machine, to make some advance at this present stage which would find a constructive outlet for the energies of educated Indians. Much importance, he contends, must attach to the considered view of the man on the spot.

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(*b*) While the offer made by His Majesty's Government in 1942 did not produce a constitutional solution, and left the Indians to devise a new constitution for themselves, it is manifest that they cannot, in present circumstances, achieve this, and, illogical though it may be, they look to the British Government to help them out of the deadlock which has arisen. For His Majesty's Government to take up the attitude that the deadlock is none of their making, and is due to Indian conditions, and that the problem is one that can only be solved by Indians themselves, will not satisfy those who believe that India should achieve self-government. Even if proposals now put forward by His Majesty's Government fail to achieve an agreed change, the fact that they have been put forward ought to remove the reproach so widely levied against us that we are lying back and counting upon the Indians' inability to agree.

(*c*) Great expectations have been aroused by the fact that the Viceroy, albeit at his own request, has come over to consult His Majesty's Government. How is it possible that he should go back empty-handed?

(*d*) The expectation that His Majesty's Government will authorise a new step is not limited to India. There has been speculation in the Press in this country; there are signs of Parliamentary interest; and, finally, American opinion will be strongly moved if it could be said that those who wish to see India further advanced towards self-government have received a blank negative in London.

Arguments against a new step.

(*a*) There is some difference of opinion among us as to whether the case for any further step has been proved, or whether if there is such a case, it is so cogent as the Viceroy suggests.

(*b*) May not the effect of a new step be prejudicially to affect the Viceroy's position and to lead to his authority and powers being whittled away without a full realisation of what is happening until it is too late to check the process? Is there a risk of communal rivalry being aggravated rather than soothed? Will the present proposal tend to prejudice, rather than to promote, the chances of working towards a proper comprehensive attempt at a constitutional settlement hereafter?

(*c*) It is impossible to feel confident that the proposals in view, however generous they may be, will in fact meet with the acceptance of Indian public and political opinion, especially of the Muslims, the Hindu Mahasabha, and some other sections. If they do not, we shall have conceded important points in principle without having anything to show in return.

(*d*) The disturbing effect on our friends and supporters in India, and on the element in that country which prizes the British connection, of what will be interpreted as a yielding by His Majesty's Government to political pressure and to Congress must not be overlooked. This will be very marked in the case of

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those members of the present Executive Council who may not be appointed to the new Council, and who will feel that after loyal and distinguished service in a difficult time, they have been thrown over cavalierly.

(*e*) Even supposing that the promulgation of the plan was welcomed by the leaders such as Gandhi and Jinnah, is there any real prospect that the Governor-General's Council, when composed of the leading personalities of the organised Indian political parties, will co-operate loyally and heartily in carrying on the war against Japan?

(*f*) Even if the Congress accept the new proposals, is there not a danger that they will very shortly feel themselves strong enough to produce a crisis unfavourable to the British, with the result that the balanced representation, for which the Viceroy hopes, would be destroyed?

6. The members of the India Committee are not able to reach a united view as to which set of arguments should prevail, and they have summarised these considerations on either side in order that the War Cabinet may have the main considerations fairly and fully before them.

IV.—If a new step is to be taken, what should its nature be?

7. Provided that the War Cabinet decides in all the circumstances that further action must be taken, the Committee is agreed as to the kind of action which would seem most appropriate. This action does not follow the lines originally put forward by the Viceroy, and in certain respects it goes further than he had proposed. But it ensures that the enquiries he will make when he returns to India, and the interviews which he holds, will be within the framework of proposals which His Majesty's Government would announce before the interviews begin, and which the Secretary of State would expound to Parliament as being the changes which we should be prepared to see if the leaders of the main political parties in India agree to accept them and loyally to operate them.

8. The War Cabinet will find it a convenient course to gather what these proposals are from the draft statement in the Appendix to this Report, which it is proposed (if the proposals are made) that the Secretary of State should make in the House of Commons at the appropriate moment.

9. Without going through the paragraphs of this draft statement in detail, it seems necessary to point out the main difference between what the Committee propose and what the Viceroy at first advocated. The main difference is that the Committee's proposal would openly avow that the scheme is one which if accepted will give increasing authority to the representatives of the Indian political parties sitting in the Viceroy's Council, and that some progressive diminution of the Viceroy's authority might be expected; whereas the

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Viceroy's plan set no precise boundaries to the area of negotiations, the proposed statement would define these boundaries strictly. Moreover, it is the essence of the proposed statement that it is made public for all to recognise its nature and to appreciate the importance of the changes involved, whereas the Viceroy appeared to us to wish to conduct a negotiation which might not bring out publicly the extent of the changes involved.

10. We would add that while we are by no means certain that the Indian political leaders would accept even the scheme embodied in the draft statement prepared by the Committee, we feel that the effect of the rejection by them of a plan, generously conceived, and precisely stated, of this nature would place them at a grave disadvantage before public opinion in this country, in India and in the world. That would not necessarily be the case, in our judgment, in respect of the somewhat vaguely stated and limited proposals put forward by the Viceroy.

V.—Supplementary matters to be considered in connection with any new step if made

11. There are certain supplementary matters of very considerable importance which should be considered in connection with the changes suggested if it is decided to promote this advance.

(a) *Indianisation of the Army.*

The Secretary of State for War informs us that the Secretary of State for India has consulted him on proposals by the Commander-in-Chief in India[5] for the future officering of the Indian Armed Services. The effect is that if His Majesty's Government and the Government of India approve, there should be no further recruitment of British officers into the Indian Army. This means that within a certain period of years the Indian Army will be entirely Indianised. But until the Indian Army can be manned wholly by Indians, even in the highest ranks, the required number of European officers for the three Services will be found by secondment from the corresponding British Services, subject to special temporary arrangements in the case of the Royal Indian Navy.

If this recommendation is accepted—and, in view of the pledges that have been given, and of the behaviour of the Indian Army during the war, we agree with the Secretary of State for War that it is inevitable and inescapable that it should be—we think it essential to announce it at the same time as any statement is made in the constitutional field. The announcement, which would, in our judgment, be an impressive pledge of the good faith of this country, and of great political importance, could best be made in the Secretary of State's speech in the House of Commons on explaining the statement.

[5] See Enclosure to No. 297.

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(b) *External Affairs.*

We are satisfied that there is a case on merits, quite independent of any general political move, for the transfer of the portfolio of External Affairs to an Indian Member of Council. This would be accompanied by the appointment of fully accredited representatives for the representation of India abroad. An announcement to this effect would further enhance the value of any statement now to be made, and we have, for that reason, included provision for it in paragraphs 19 and 20 of the draft appended to our report.

Following on such a decision it should be made clear in the Secretary of State's statement in Parliament, as also by the Viceroy in any statement which he makes in India, that the delegates of British India at the Peace Conference or at other future international conferences will be chosen by the new Government of India.

(c) *Appointment of a United Kingdom High Commissioner in India.*

We think that, on merits, it is important that the particular interests of the United Kingdom in India should, in future, be represented by a High Commissioner. Such an appointment will, in any event, enhance India's status and make it clear that the Governor-General's authority in his responsibility to the Secretary of State is concerned primarily with the interests of the security and welfare of India itself, with the obligations of His Majesty's Government to the States, and with the general interests of the Commonwealth as a whole. An announcement to this effect would increase the value of any statement and it could best be made by the Secretary of State in his speech explaining any statement to the House.

(d) *Release of certain political detainees.*

The House of Commons will obviously wish to know what is to be done with regard to the Congress political detainees. We recommend that the Secretary of State should make it clear in his statement that, in the event of the success of the negotiations, His Majesty's Government would be prepared to recommend the Central and Provincial authorities in India now in charge of these detainees to consider favourably the release of those detained as the result of the Congress resolution of August 1942. The reason for this recommendation is that in order to carry through the negotiations, it is certain that some political prisoners who are now interned would have to be released, and we find it difficult to think that others in the same category can be indefinitely detained.

VI.—Attitude of the Viceroy towards the draft statement prepared by the Committee

12. We think it desirable in conclusion to record that there have been discussions between the Secretary of State and the Viceroy, and that we understand

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that in the light of them the Viceroy would be willing to treat his mandate as represented by the draft statement appended to this Report.

VII.—Conclusion

13. To sum up. We are unable to reach a united view as to whether a fresh step should now be taken. We feel that the decision on this must be for the War Cabinet in the light of the arguments which we have marshalled above. We are clear that the proposals in the form brought home by the Viceroy are inacceptable. If the War Cabinet decide in favour of a new step then we recommend that it be on the lines of the statement in the Appendix, and in paragraph 11 of this report.

SIMON
Acting Chairman
(on behalf of the Committee)

Appendix to No. 423

DRAFT STATEMENT

1. During the recent visit of Field-Marshal Viscount Wavell to this country His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.

2. Members will be aware that since the offer by His Majesty's Government to India in March 1942 there has been no further progress towards the solution of the Indian constitutional problem.

3. As was then stated, the working out of India's new constitutional system is a task which can only be carried through by the Indian peoples themselves.

4. While His Majesty's Government are at all times most anxious to do their utmost to assist the Indians in the working out of a new constitutional settlement, it would be a contradiction in terms to speak of the imposition by this country of self-governing institutions upon an unwilling India. Such a thing is not possible, nor could we accept the responsibility for enforcing such institutions at the very time when we were, by its purpose, withdrawing from all control of British Indian affairs.

5. The main constitutional position remains therefore as it was. The offer of March 1942 stands in its entirety without change or qualification. His Majesty's Government still hope that the political leaders in India may be able to come to an agreement as to the procedure whereby India's permanent future form of government can be determined.

6. His Majesty's Government are, however, aware that a continuation of the present situation is harmful, and are most anxious to make any contribution

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that is practicable to the breaking of the political deadlock in India. While that deadlock lasts not only political but social and economic progress is being hampered.

7. The Indian administration, over-burdened with the great tasks laid upon it by the war against Japan and by the planning for the post-war period, is further strained by the political tension that exists.

8. All that is so urgently required to be done for agricultural and industrial development and for the peasants and workers of India cannot be carried through unless the whole-hearted co-operation of every community and section of the Indian people is forthcoming.

9. His Majesty's Government have therefore considered whether there is not something which they could suggest in this interim period, pending the formulation by Indians of their future constitutional arrangements, which would enable the main communities and parties to co-operate closely together and with the British to the great benefit of the people of India as a whole.

10. It is not the intention of His Majesty's Government to introduce any change contrary to the wishes of the major Indian communities. But they are willing to make possible some step forward during the interim period if the leaders of the principal Indian parties are prepared to agree to their suggestions and to co-operate in the successful conclusion of the war against Japan as well as in the reconstruction in India which must follow the final victory.

11. To this end they would be prepared to see an important change in the constitution of the Viceroy's Executive. This is possible without making any change in the existing statute law except for one amendment to the Ninth Schedule to the Act of 1935. That Schedule contains a provision that not less than three members of the Executive must have had at least 10 years' service under the Crown in India. If the proposals I am about to lay before the House meet with acceptance in India, that clause would have to be amended to dispense with that requirement.

12. It is proposed that the Executive Council should be reconstituted and that the Viceroy should in future make his selection for nomination to the Crown for appointment to his Executive from amongst leaders of Indian political life at the Centre and in the Provinces, in proportions which would give a balanced representation of the main communities, including equal proportions of Moslems and Caste Hindus.

13. The members of the Executive would be Indians with the exception of the Viceroy and the Commander-in-Chief, who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.

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14. Although these proposals do not entail any major legislative change, His Majesty's Government fully realise, and desire to emphasise, the fact that they have considerable constitutional implications.

15. The introduction of representative elements into the Governor-General's Council must, to the extent to which it succeeds, result in practice in limiting the exercise by the Governor-General of the special powers vested in him personally, with a corresponding *de facto* limitation of the powers and responsibilities of the Secretary of State and of Parliament itself. While, however, it is important that these consequences of the changes now proposed should be frankly recognised and accepted, it must at the same time be made perfectly clear that until there has been established in India an executive effectively responsible to the Indian people through organised representative institutions, the powers and responsibilities of the Governor-General, the Secretary of State, and Parliament, cannot be abrogated.

16. Nothing contained in any of these proposals will affect the relations of the Crown with the Indian States through the Viceroy as Crown Representative.

17. The Viceroy has been authorised by His Majesty's Government to place this proposal before the Indian Leaders immediately upon his return to India. His Majesty's Government trust that the leaders of the Indian communities will respond. For the success of such a plan must depend upon its acceptance in India and the degree to which responsible Indian politicians are prepared to co-operate with the object of making it a workable interim arrangement.

18. If such co-operation can be achieved at the Centre it will no doubt be reflected in the Provinces and so enable responsible Governments to be set up once again in those Provinces where, owing to the withdrawal of the majority party from participation, it became necessary to put into force the powers of the Governors under Section 93 of the Act of 1935. It is to be hoped that in all the Provinces these Governments would be based on the participation of the main parties, thus smoothing out communal differences and allowing Ministers to concentrate upon their very heavy administrative tasks.

19. There is one further change which, if these proposals are accepted, His Majesty's Government suggest should follow.

20. That is, that External Affairs (other than those tribal and frontier matters which fall to be dealt with as part of the defence of India) should be placed in the charge of an Indian Member of the Viceroy's Executive so far as British India is concerned, and that fully accredited representatives shall be appointed for the representation of India abroad.

21. By their acceptance of and co-operation in this scheme the Indian leaders will not only be able to make their immediate contribution to the

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direction of Indian affairs, but it is also to be hoped that their experience of co-operation in government will expedite agreement between them as to the method of working out the new constitutional arrangements.

22. His Majesty's Government consider, after the most careful study of the question, that the plan now suggested gives the utmost progress practicable within the present constitution. None of the changes suggested will in any way prejudice or prejudge the essential form of the future permanent constitution or constitutions for India.

23. His Majesty's Government feel certain that given goodwill and a genuine desire to co-operate on all sides, both British and Indian, these proposals can mark a genuine step forward in the collaboration of the British and Indian peoples towards Indian self-government and can assert the rightful position, and strengthen the influence, of India in the counsels of the nations.

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Sir G. Laithwaite to Mr Turnbull

L/PO/6/108c: ff 18–19

TOP SECRET AND PERSONAL WAR CABINET OFFICES,
GREAT GEORGE STREET, S.W.1, *28 April 1945*

My dear Frank,

We have not yet had the Prime Minister's approval of the proposals that have been put to him by Bridges for Cabinet business next week but, subject to this,[1] Bridges thinks that the India Office might care to let the Viceroy know—

(1) that the Committee have now reported to the War Cabinet, by whom they feel that the decision on the question whether there should be a fresh step must be taken;
(2) that they have, however, indicated that if there is to be a fresh step they think it should be on the lines of the revised draft statement[2] (a copy of which might be given to the Viceroy);
(3) that as regards procedure the War Cabinet are likely to discuss the matter with the Committee at the beginning of next week, and that thereafter a special Cabinet, probably on Wednesday, will be fixed to enable them to discuss with the Viceroy with a view to reaching a conclusion.

2. I enclose a proof of the revised draft statement. (As you know, the proposed reference to suitable instructions which appears in it at the end of paragraph 15 has now been eliminated.) Save for the recasting of paragraph 15 and

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various minor amendments in the text, it is substantially as it emerged[3] from the discussion between the Secretary of State, the Minister of Aircraft Production and Lord Wavell the other day.

Yours ever,

GILBERT LAITHWAITE

[1] Sir G. Laithwaite added in manuscript here: 'I will let you know as soon as we receive it'.
[2] Appendix to No. 423. [3] See the second column of the drafts set out in No. 411.

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Mr Churchill to Mr Amery

L/PO/5/34: f 7

10 DOWNING STREET, WHITEHALL, *29 April 1945*

Prime Minister's Personal Minute Serial No. M.425/5

Secretary of State for India.

There is no objection to Lord Wavell seeing the latest papers on this subject, or to his submitting his views in writing to the Palestine Committee.[1] It seems to me quite impossible for the present Parliament to deal with this matter and indeed with other mandated territories. The question will soon become one for the Peace Conference.[2]

W. S. C.

[1] See No. 381. Evidently Mr Amery had conveyed Lord Wavell's views to Mr Churchill.
[2] In a minute dated 1 May 1945, Mr Turnbull informed Sir E. Jenkins of the terms of Mr Churchill's minute. L/PO/5/34.

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Sir J. Colville to Mr Amery

Telegram, L/P&J/8/659: f 31

IMMEDIATE NEW DELHI, *30 April 1945, 2.40 pm*
SECRET *Received: 30 April, 3.5 pm*

774-S. Your 9445[1] of April 27th. Dr. Khan Sahib and support of war effort. I telegraphed on 27th to Cunningham saying "we cannot allow there to be any doubt about the undertaking to support the war effort. I think you should

[1] No. 420.

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ask Dr. Khan Sahib to make a suitable public statement making true position clear."

2. When your telegram arrived on April 28th I repeated it to Cunningham and expect to hear from him shortly.

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Sir J. Colville to Mr Amery

Telegram, L/PO/10/25

IMPORTANT
SECRET

NEW DELHI, *30 April 1945, 11 pm*
Received: 30 April, 11.55 pm

No. 776–S. Casey reports that feeling in Bengal in favour of general election has grown and that decision to hold elections next winter would be generally welcome. He is not appointing Advisers as he thinks this would be interpreted as decisive step and he is reluctant to make announcement unless he can also announce intention of holding general election.

2. Mudie and Thorne's views are as follows. They agree with him about election and hold that case of Bengal can be distinguished from other Provinces. In other Section 93 Provinces the majority party refused to work the constitution and question of election could only arise if this attitude was changed. Ministerial Governments elsewhere command majority in Legislatures and Chief Ministers would not press for elections. But only constitutional remedy for Bengal position is elections.

3. I adhere to my view[1] that this question cannot be considered until the result of the London discussions is known. There should also be consultation with other Governors who may not agree that Bengal case can be so easily distinguished. For instance, there might be pressure to hold elections to the Central Assembly where Congress Party is attending sessions.

4. Hallett's strong view against elections in United Provinces is stated in his letter of 4th April[2] which you have.

5. I have informed Casey that I have telegraphed his views to you but that my opinion is unchanged. On the question of Advisers I have pressed him, though not very strongly, to announce Advisers on ground that this is normal routine and omission may be taken to imply that Governor wishes to form Ministry very shortly.

[1] See No. 383, para. 4. [2] L/P&J/8/511: ff 10–11.

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Mr Amery to Viscount Simon

L/PO/6/108c: f 22

INDIA OFFICE, *30 April 1945*

My dear John,

Thank you for your letter[1] about the India Committee's Report. I think the changes you have made meet the substance of the points I wanted to see covered. Though from my point of view it is a pity that we could not produce a unanimous recommendation, I think that in the circumstances the Report[2] is a very good document.

Yours ever,

L. S. AMERY

[1] No. 421. [2] No. 423.

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War Cabinet W.M. (45) 56th Conclusions

R/30/1/5: f 48

Those present at this meeting held in the Prime Minister's Map Room on 30 April 1945 at 10 pm were: Mr Churchill (in the Chair), Sir John Anderson, Mr Ernest Bevin, Mr Herbert Morrison, Lord Woolton.

Also present were: Viscount Simon, Lord Beaverbrook, Mr Amery, Sir James Grigg, Sir Archibald Sinclair, Sir Stafford Cripps, Mr R. A. Butler

INDIA

(Previous Reference: W.M. (45) 9th Conclusions, Minute 3)[1]

The War Cabinet had before them a Report by the India Committee (W.P. (45) 274)[2] on the Indian constitutional position.

The Committee, after having examined the proposals brought home by the Viceroy, reported that there was some difference of opinion as to whether a case had been made out for a further step at this stage. The Committee were agreed, however, that if a further step should be taken now, it should be on the lines set out in their Report and of a draft Statement appended thereto.

The War Cabinet had a preliminary discussion of the Committee's report. A record[3] of the discussion is contained in the Secretary's Standard File of War Cabinet Conclusions.

[1] No. 231. [2] No. 423. [3] i.e. the Confidential Annex below.

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Confidential Annex to No. 429

L/PO/6/108c: ff 13–16

The War Cabinet had before them a report (W.P. (45) 274) by the India Committee on the Constitutional Position in India.

THE LORD CHANCELLOR (acting Chairman of the India Committee) said that the Committee's report was based on full discussion with the Viceroy. The War Cabinet would remember that, in deference to the insistent demand of the Viceroy, they had agreed that he should visit this country to discuss the constitutional position. Lord Wavell's proposals had essentially been that he should be given a free hand to replace his present Executive Council by persons selected as a result of discussion with the leaders of the organised political parties. This would incidentally involve the removal, which would require legislation, of the existing statutory requirement that not less than three members of the Governor-General's Council should have ten years' service under the Crown in India.

The Committee were unanimous in opposing this proposal, and were not prepared to recommend that the Viceroy should return to India with a free hand. They doubted whether he understood the enormous constitutional implications of his scheme. On the other hand, there were powerful arguments against allowing the Viceroy to return empty-handed, now that he was known to have been in consultation with His Majesty's Government on these questions. The Committee had, however, been unable themselves to reach a unanimous conclusion as to whether the case for a new step was established, and their report (in paragraph 5) therefore set out the arguments on both sides with a view to a decision being taken by the War Cabinet. If the War Cabinet, in the light of the report, decided on a new step, the Committee was, however, in a position to make specific recommendations as to what it should be, and those recommendations were set out in paragraph 11 of their report and in the appendix to it.

So far as he personally was concerned, he was impressed by the arguments against action, but he recognised at the same time the force of the considerations in favour of not allowing the Viceroy to return empty-handed. The best single argument was the world-wide feeling that we were called on to do something for India. He was bound at the same time to say that he was very sceptical as to the prospects of India accepting the scheme now under consideration.

THE PRIME MINISTER expressed the indebtedness of the War Cabinet to the India Committee for their report. He was far from convinced on the case for any action at this stage. Legislation was involved: could we be sure that it would be passed into law without difficulty? The problem of parliamentary time was also particularly acute. There was also the question whether it was

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proper for a Government to take a step so important as this towards the very end of its life? All these matters had to be weighed.

But apart from this the scheme now proposed was neither one thing nor the other. The removal of the official element in the Executive Council was a matter of great importance. But the impression it would produce would be that of a minor legislative change. Secondly, as paragraph 15 of the draft statement showed, all power would still be held by the Viceroy and the Commander-in-Chief under the scheme proposed. No Indian would accept a scheme of this nature. Nor were any of the accompaniments of the constitutional change, such as the transfer of external affairs, of real significance. The only result, he feared, would be to produce a less efficient Executive Council.

He was bound to stand by the Cripps proposals, and he did so. But it was not our fault if Indians found it impossible to agree among themselves. If the Hindus, Muslims and other communities were prepared to accept the Cripps offer, he would be quite ready to see the Army withdrawn and India given full Dominion status. It would indeed, from the military point of view, be a help to be relieved of our share in her defence.

THE SECRETARY OF STATE FOR INDIA said that Lord Wavell's original proposal was open to criticism, but had been turned into a workable scheme by the Committee. It was common ground that India could not be given Dominion status now because the essential pre-condition, of agreement among Indians, could not be fulfilled. He thought that the Committee's proposals would secure ready parliamentary approval from both sides of the House; and while they might appear to be limited in scope, we should not underestimate their importance. Timing was very material. The trouble about the Cripps offer had been that it had been from weakness. The present proposal would, however, be made from strength.

Moreover, these proposals were within the framework of our previous offer, which we had already reaffirmed. If accepted, they would remedy the weakness of the Indian Executive, which was the absence of outside support from the press or the public. Admittedly, the Indians might reject them. But if they did we should ourselves be no worse off, and we should have greatly improved our position vis-à-vis of the outside world. He himself hoped that the widespread feeling in India that a mistake had been made in boycotting the Cripps offer would help to secure an acceptance of the present scheme. He felt strongly that the case for a move at this stage was a good one, and that there could be no objection to its being made at this point in the Government's life. *It would be very important by taking an agreed step now to keep India outside party controversy at the next election and afterwards.*[4] It would not provoke controversy in Parliament.

[4] The sentence italicised here was added to the Conclusions on 3 May 1945 at Mr Amery's request. L/PO/6/108c: ff 12, 17.

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Nor would there be any immediate demand for Parliamentary time for legislation. All that was needed was a declaration on the lines of the statement and an undertaking that, if the Viceroy was successful, we should legislate. If we declined to make any move there would certainly be sharp criticism, and real pressure for a debate which could not be resisted.

THE HOME SECRETARY AND MINISTER OF HOME SECURITY was sympathetic to the making of a move. He felt that the issue was not likely to be of great electoral importance either way.

THE MINISTER OF LABOUR looked on this small step as merely a further move in the right direction which created a sense of progress towards Dominion status, which he still thought would save India. He did not agree that we should do nothing unless we could do something really substantial. There was value in every step slowly taken in the case of the Central Government. He would prefer himself to settle the Indian problem on unwritten constitutional lines, and not to make too big a step at a time.

The Indians had made a mistake in rejecting the Cripps offer and probably realised that now. We should be no worse off if these proposals were rejected. With the example of Russia over the border the problem of India must be faced either politically or economically in a few years, and he thought that as we had missed our chance in that country in many ways in the past, we must watch our policy carefully in respect of the future. He would be happier, at the same time, if he felt more confident that this proposal would not be rejected.

THE SECRETARY OF STATE FOR WAR feared that the scheme would be rejected. If, however, it was nominally accepted, there were long odds that the result would be a Bania Government, and that the scheme would be worked essentially under Hindu domination to the advantage of the moneylending class.

THE MINISTER OF AIRCRAFT PRODUCTION said that the Committee had agreed that if there was to be a step forward, it should be on the lines of the draft statement appended to their report. Ordinary majority government was impracticable in India. It was equally not practical for us to "quit India". In favour of a step forward at this stage there was first, the view of the Viceroy, of every Governor and of the European members of the Executive Council that something should be done to break the deadlock now. Secondly, if we were going to get a peaceful solution of the Indian problem, we must assuage the growing sense of frustration among Indians. A step of the sort suggested by the Committee would ease the tension and improve the chance of bringing India in as a Dominion in the Commonwealth. He himself would be very strongly opposed to missing the opportunity arising from the Viceroy's visit.

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f the offer was made and rejected, the matter dropped, but our position would be improved by our initiative. It was critical that something should be done now to prevent deterioration. No parliamentary time would be needed except for the making of the statement.

THE CHANCELLOR OF THE EXCHEQUER said that the present position was that we had in the Provinces responsible and representative governments, based in many cases on a legislature, with powers over a wide field, working under a written constitution. At the Centre there was a Government, technically composed of officials, with powers of supervision and control. That was a fundamentally unsound position. When the Act of 1935 was passed, it had never been contemplated that there should be an indefinite continuance of responsible governments in the provinces coupled with an official government at the Centre.

The essence of the Viceroy's proposal was that pending the reconstitution of the Centre on representative lines, we should endeavour to bring into the Executive Council persons deriving authority from some representative capacity. His own misgiving about Lord Wavell's proposal had been that he felt, as he still to some extent did, that the Viceroy did not see its implications. The Committee had therefore sought to find a way of making clear, both in India and in this country, what was involved. The Viceroy urged that if nothing was done, there would be great danger of serious political unrest once the pressure of the war was removed. We must give weight to his opinion, since he had been in office for eighteen months, and had been in contact with governors and officials with long experience of India.

As the Committee's proposal was framed, we should, if it failed, be in a better and not a worse position as a result of having made it since we should have gone as far as was humanly possible. The parliamentary statement (however limited in its content) which would be necessary, would give an opportunity of making our position clear. In all these circumstances, though not without misgiving, he favoured giving the Viceroy the chance of making a move on the basis of the draft statement prepared by the Committee.

THE MINISTER OF EDUCATION felt that it was politically inexpedient to make any move at present. There was no proof that the Muslims would accept a move of this type. Nothing had been said about the States and both the Muslims and the Princes were very upset at the moment. He was all for an alteration in our relations with India but could not believe that this was the moment for it. If, on the other hand, the War Cabinet decided that something had to be done, then he would accept the statement prepared by the Committee as the best method. But he felt himself that the matter should first be further tested on the spot and that the War Cabinet should have before them fuller reports as to the attitude of the Princes and the Muslims. Our friends would say that

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the effect of this scheme would be to revivify the Congress which by its totalitarianism had wrecked first the Act of 1935 and then the Cripps offer.

THE SECRETARY OF STATE FOR AIR thought that there would certainly be a demand for a debate if the Viceroy was sent back empty-handed or resigned.

After further discussion THE PRIME MINISTER said that while still very doubtful as to the case for a move, particularly at this late stage in the life of the administration, he recognised the force of the argument that any action taken now would be taken by an all-party government. Difficult questions of parliamentary time were, however, involved in any legislation or debate, and would have to be investigated. He did not feel that an immediate decision could be reached, and suggested that the discussion should be adjourned until a later date. In the meantime he would consider the matter from the point of view of the state of public business.

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 16 *30 April 1945*

Many thanks for your letter of 19th April.[1] Reuter circulated a report here on Saturday night that unconditional surrender had been accepted by the British and Americans. It caused some excitement but the 9-30 wireless news straightened things out. It looks as if "cease fire" may come quickly and we are getting everything ready.

[Para. 2, on publicity given to the Indian Mission which had visited London to discuss supply difficulties; and para. 3, on the case of the tea industry for the return of some of its staff, omitted.]

4. I agree that there is something incongruous in granting Sanads to the Rulers of small States, in which, subject to loyalty, they are promised that they will be maintained in the position and privileges which they have heretofore enjoyed. On the other hand the wording of the Sanads has become traditional, and to change them now would cause a disproportionate amount of anxiety and suspicion. This is only one example of the embarrassment of our position *vis-à-vis* the Princes.

5. Mudaliar seems to have made a very good speech at San Francisco, and even some sections of the hostile press have paid tribute to his effort. A less

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happy effort of the delegation, if true, is found in a story reported in the *Hindustan Times*. J. J. Singh telegraphed to the *Hindustan Times* that Mrs. Pandit was heckled by an Indian at her large Press Conference. Various journalists were doubtful whether the heckler was a journalist, and they tracked him down. He turned out to be a Mohamedan stenographer attached to the Indian delegation. The *Hindustan Times* attributes this bit of work to Firoz. If the story is true it is an unfortunate incident, and whoever put up the stenographer to heckle Mrs. Pandit showed a most lamentable lack of judgment. Her utterances are very tiresome none-the-less, and one cannot help feeling annoyed that having sought leave to go to the U.S.A. for rest and quiet she should conduct a campaign against the Government that gave her leave to go!

6. Food Department have had a telegram from you dated 25th April[2] to the effect that three ships will be put on during the next four weeks to carry whole cargoes of wheat for India. These cargoes will total about 25,000 tons. We are very grateful for this assistance and continue to hope that you will be able somehow to let us have the full imports of flattings according to the 40,000 tons per month programme for the first half of the year, and also the 50,000 tons over and above this which we so badly need. I am not quite sure of the shortfall against the flattings programme, but I imagine that the 25,000 tons will only just make up the deficit.

[Para. 7, on a visit to India of officials from the Ministry of Production and other departments, omitted.]

8. I have had a talk with Mudie since his return and I have asked him to explain to Council this week the upshot of his discussions with you and your Advisers about the filling of the war reserved vacancies in the I.C.S. and the Indian Police. He tells me he is hopeful of being able to arrange air transport for officers going home under the Key Leave Scheme, and I think it is essential that this should go through. Discussions are taking place now at this end.

9. I have sent you a telegram[3] about the Bengal political situation. Casey continues to press for an early announcement about elections and proposes to hold up any appointment of Advisers till he can also announce forthcoming elections. I think he would have done better to gazette the Advisers at the earliest possible moment since this is part of the normal drill, and the political uncertainty which continues may be partly due to his omission of such an announcement. Silence on this subject naturally gives the impression that a ministry may be formed tomorrow, which is exactly the reverse of the impression he wants to give. I have expressed this view to Casey but I do not want to turn him down without referring his views to you especially as I have had to disagree with him about the date of publication of the Woodhead Report.

[1] No. 398. [2] L/E/8/3327. [3] No. 427.

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10. As you know Casey wanted to hold up the Woodhead Report for an appreciable time until the enquiry about Ispahani's transactions was complete. Council were unanimous that early publication was desirable, and you and Wavell also agreed. Casey accepted this but he was not at all happy about it and in deference to his views I allowed a few extra days before publication. I hope your people at home will have been able to arrange for satisfactory publicity. It was a lucky chance that I could send home a large parcel of copies of the Report in Auchinleck's plane.

11. Your telegram[4] suggesting that Auchinleck might defer his departure came some time after he had left; we considered the possibility of stopping him on the way, but decided against it.

12. I have had a letter[5] from Jinnah sending me copies of two speeches he made in April 1943 and December 1943. He says that this is in fulfilment of a promise made when we met in Bombay. I do not remember his promising to send me these and I think they may be mainly an excuse to write. He adds that he is almost all right now and "with complete rest which I am ordered by my doctors I hope to be quite well very soon". I thought I should mention this to you as it may be an indication that he is "coming on the feed" again.

13. I was not surprised to get your telegram[6] about Khan Sahib's reported statement that he had given no assurance to support the war effort. The moment I saw the report in the papers I telegraphed to Cunningham saying that a public statement by Khan Sahib seemed necessary. Khan Sahib has been away in Lahore over the week-end and Cunningham will not be able to see him till tomorrow, but I have repeated your telegram to him and he will realise that you also are very much interested.

[Para. 14, on a further extension for the Chief Justice of Madras; para. 15, on General Auchinleck's proposal for the establishment of 20 preparatory schools; and PS., on the weather, omitted.]

4 and 5 Not traced in India Office Records. 6 No. 420.

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Sir J. Colville to Mr Amery

Telegram, L/P&J/8/653: f 115

PRIVATE *1 May 1945*

781-S. Immediately following telegram repeats another message from Casey about Bengal political situation. I have again told Casey that in my opinion he should announce advisers in order to stabilise position.

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Sir J. Colville to Mr Amery

Telegram, L/P&J/8/653: f 115

1 May 1945

782–S. Following from Governor of Bengal No. 134 dated 30th April. *Begins* It is now a month since my first press announcement of Section 93 and three weeks since I saw all party leaders. My declaration of intention not "to be hustled into hasty decisions"[1] is wearing thin and delay in taking some definite line is becoming embarrassing.

2. Prospects of stable and effective government are no better than before (*vide* paragraph 3 of my telegram 131[2] dated 26th April) but somebody might scratch together a (corrupt group)[3] majority and if I were forced into position of declaring bluntly my reason for not accepting such a claim it would only result in bitterness and drag me into controversy.

3. By this time I should hope that there is some idea in London as to shape of things to come. Is it not possible for you to obtain me now a definite acceptance of my proposal to announce a general election in Bengal next winter?

4. General election in Bengal would I am sure be regarded by all responsible opinion as right course whether Section 93 continued or not and as essential corollary of any prolongation of Section 93. If I can announce it each side would I think tend to acquiesce in exclusion of the other (and hence of itself) during preparatory period: but (2 corrupt groups) to see an election[4] will if prolonged place me in extremely embarrassing position. I can neither get a ministry worth having nor offer Bengal any constructive alternative.

[1] See No. 357, note 1. [2] This is presumably the tel. summarised in No. 427.
[3] L/PO/10/25 has 'paper majority'.
[4] L/PO/10/25 has 'but inability to announce general election'.

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Sir G. Cunningham (North-West Frontier Province) to Sir J. Colville

Telegram, L/P&J/8/659: f 29

IMMEDIATE PESHAWAR, *2 May 1945, 7.10 pm*
Received at India Office: 2 May, 10.15 pm

CA 36. Your telegram No. 755-S[1] dated April 27th.

Doctor Khan Sahib returned to Peshawar last night and I have just seen him. His explanation, which I have no doubt is true, is that he was asked by press men at private tea party in Peshawar to say what guarantees regarding the war effort he had given Governor. He told them that they were only trying to embarrass him and that they had better drop the subject. When pressed about Secretary of State's statement in Parliament[2] he had replied if they wanted Mr. Amery's explanation they must ask Mr. Amery.

2. Khan Sahib himself is greatly annoyed with press correspondents for having misrepresented him on the occasion saying that he had given no assurances. He has assured me again that he will do anything necessary for the prosecution of the war.

3. Question now is what further steps to take. The plain facts are that Khan Sahib gave me his full assurance, though I did not of course ask him to subscribe to any (?self) drafted guarantees. But I am strongly opposed to any statement being issued in India. It would simply be playing into the hands of those who have been trying to embarrass Khan Sahib and myself, largely I believe through jealousy of what has been done in this province. The less prominence that is now given to the matter the better.

4. Secretary of State however may have to answer question in Parliament. In this event I suggest following lines: great majority of statements attributed to Khan Sahib in recent press of (?North West Frontier Province) were not statements by him but interpretations or misinterpretations by pressmen. I am satisfied that he means to co-operate in war effort. Let him be judged by his work.[3]

Repeated to Secretary of State for India.

[1] Presumably the tel. summarised in No. 426. [2] See No. 420, note 1.

[3] In tel. 814-S of 5 May Mr Abell informed Mr Turnbull that Sir J. Colville had telegraphed Sir G. Cunningham to say he felt it could not be left in doubt that an assurance to support the war effort was a necessary condition to the formation of a Ministry. If Dr Khan Sahib would not himself make a statement, Sir J. Colville thought some means of correcting the present false impression must be found as every Section 93 Governor would be affected. L/P&J/8/659: f 25.

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War Cabinet

India Committee. Paper I (45) 76

L/E/8/3821: ff 401–7

COMMERCIAL DISCRIMINATION PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1935

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *2 May 1945*

It is necessary to consider in a preliminary way how far we can go to meet the Government of India regarding the commercial safeguards and what procedure we should adopt for discussing this matter with Sir A. Dalal. He is due to arrive on the 4th May.

2. My memorandum No. I (45) 36 of 23rd March[1] indicated that this question had been raised and contained a summary of the provisions of the Act in question. My further memorandum No. I (45) 72 of 26th April[2] circulated a summary of the proposals which Sir A. Dalal is coming here to submit.

3. The Government of India have recently issued a statement advocating far-reaching steps to encourage the rapid industrialisation of India with State assistance and under State control. They contemplate in particular

(*a*) bringing 20 basic industries by Central legislation out of the Provincial and into the Central field. A list of these is annexed;
(*b*) financial assistance by the Government of India to any of these 20 industries which need it;
(*c*) the possibility of nationalising a few industries;
(*d*) the introduction of a licensing system under which no new factories or substantial expansions of existing factories can be proceeded with without a licence from the Central Government in respect of the 20 centrally controlled industries or from Provincial Governments or States in respect of other industries. This is designed to secure a satisfactory geographical distribution of industry and to prevent industrialisation taking a form which runs counter to the Government of India's overall plans;
(*e*) tariff protection. They are also believed to contemplate the maintenance of import licensing for capital goods;
(*f*) the purchase of the products of Indian industry by Government in preference to others;
(*g*) taxation remissions.

[1] No. 336. [2] No. 418.

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4. The Government of India feel that the commercial safeguards were incorporated in the Indian Constitution at a time when extensive governmental assistance in the development of Indian industry was not envisaged and that it is unreasonable that United Kingdom interests should be in a position to claim the right to enjoy the measures of assistance, particularly under (*b*) above, which they contemplate giving to Indian industrialists. It is unlikely that any Indian legislation authorising action on the lines proposed would itself take a discriminatory form, but it would be desired to discriminate in favour of Indian interests in the administration of this legislation. Such action by Provincial Governments would invoke the special responsibility of Governors under Section 52(1)(*d*) for the securing in the sphere of executive action of the purposes which the discrimination provisions of the Act are designed to secure in relation to legislation. As regards the Centre, the similar responsibility of the Governor General under Section 12(1)(*e*) does not yet operate, but he has powers to intervene in this as in every other part of the central field, and the plain intention of the Act is that he should use his powers if necessary, whether by over-ruling his Council, if the conditions laid down in Section 41(2) of the 9th Schedule to the Act are satisfied, or by invoking the Secretary of State's directions under Section 314(1) of the Act. Discrimination between Indian and United Kingdom interests in the grant of financial assistance under paragraph 3(*b*) above would offend against the purposes of Section 116 of the Act. The refusal of licences to establish new factories or expand existing ones under paragraph 3(*d*) above or to import capital equipment under paragraph 3(*e*) above would offend against the purposes of Sections 113 and 114 of the Act and possibly also Section 111. Discrimination in taxation remissions under paragraph 3(*g*) would similarly offend against Sections 112, 113(2) or 114(2).

5. Sir A. Dalal's first idea was to reach private arrangements with the principal United Kingdom interests concerned under which they would agree not to insist on their rights under the commercial safeguards. He seems, however, now to realise that it would not be possible for the Governor General to refrain from taking steps to prevent flagrant cases of discrimination in the executive field, or the Governors from exercising their special responsibility, on the basis of private arrangements of this sort, even if he was able to make such arrangements with all the United Kingdom interests who may be concerned in the future, as well as those with an existing stake in India. Sir A. Dalal will therefore ask for the repeal of all the commercial safeguards. Failing this he will ask that the Act be amended to enable the Government of India to carry out the following objectives:

(1) In respect of 17 basic industries (i.e. all those on the list of 20 referred to in paragraph 3(*a*) above except cotton and woollen textiles, cement and sugar) to impose conditions which would prevent new companies from

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engaging in these industries unless 70% of their capital is offered to Indian nationals, or United Kingdom interests already engaged in these industries from expanding their Indian business except subject to the same condition as regards the additional capital required.

(2) To be free to grant assistance to Indian companies operating these 17 industries in any of the ways described in paragraph 3 above.

(3) In respect of other industries to enable the Government of India and Provincial Governments to grant subsidies to Indian companies without granting similar subsidies to United Kingdom concerns.

6. There is of course great force in the Government of India's plea that currently accepted ideas as to the function of the State in industrial development have greatly changed since the Government of India Act was passed and that it is not altogether reasonable that the assistance which they are preparing to give to Indian industrial initiative should also be available to United Kingdom interests. This seems to me to be particularly true in respect of the grant of financial assistance. Moreover, the commercial safeguards have always been bitterly resented in India and when Sir Stafford Cripps was in India in 1942 he made it clear that their maintenance would not be a condition of His Majesty's Government's acceptance of a new Indian Constitution agreed between Indians. This was subsequently reaffirmed in the House of Lords on 30th July 1942[3] by the Duke of Devonshire, who explained that we hoped that the matter would be dealt with by discussion between His Majesty's Government and the future Government of India negotiating with each other as equal partners. Consequently there is a special difficulty in enforcing the existing safeguards in their entirety during the present interim period and it would be well to avoid if we can a first-class controversy on the subject. This might react more unfavourably on our post-war trading prospects in India than the immediate disappearance of the safeguards, and might make less easy the conclusion of satisfactory arrangements, on a treaty basis, with a future Indian Government.

7. On the other hand, Sir A. Dalal's case is by no means clear, and is assailable on grounds other than those based on British trade interests. For example:—

(*a*) The Government of India's plans for increased central control over certain industries and increased State interference in industry generally are likely to meet with a good deal of opposition. The Provinces will be reluctant to see their authority reduced. The co-operation of the States is unlikely, except in so far as it can be enforced by economic pressure or the intervention of Paramountcy. The Moslems, while they favour the nationalisation of industry (as a means of securing their share of the controlling and other posts in industry) are likely to resist an increase in the

[3] *Parl. Debs.*, 5th ser., H. of L., vol. 124, cols. 148–53.

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powers of the Central Government. It is true that in theory what is proposed would not prevent the future Constitution of India from placing industrial development entirely in the sphere of the Units, but in practice it is likely to be difficult in the future Constitution to deprive the Centre of powers which it is already exercising and if the Government of India's plans go through they may have the effect of increasing the insistence of the Moslems on the partition of India in preference to a Federal solution.

(*b*) It is questionable whether Sir A. Dalal's assumption that United Kingdom interests will wish to engage at all heavily in any part of India's industrial development is well-founded. United Kingdom interests are well aware that the commercial safeguards are likely to disappear at no distant date. It is possible that the expectation of quick good returns may encourage some of them to take a risk and there is evidence that even now some are anxious to increase their investment in India. But the tendency seems to be for United Kingdom interests to confine their contribution mainly to plant and expertise and to accept a minority shareholding interest.

(*c*) The history of the political and economic relations between the United Kingdom and India is regarded in several quarters as fully justifying the continued existence of United Kingdom controlled enterprises in India: His Majesty's Government cannot, at any rate, adopt as its premise the assumption made by Indian opinion that their existence is immoral. It is contemplated that some measure of protection would be obtained for them by a treaty negotiated between His Majesty's Government and the future Government of India when this is established. But any such treaty could only be satisfactorily concluded with a more representative Government of India than the present Governor-General in Council. It would be a different proposition to ask United Kingdom interests to abandon the protection which they now enjoy in advance of a general settlement of India's future. If the existing safeguards were repealed (in order to enable a check to be imposed on *fresh* United Kingdom enterprises in India) it would become legally possible for the Governments in India to adopt measures calculated to drive out of business *existing* United Kingdom enterprises and in practice impossible for the Secretary of State, even with his all-embracing powers of direction, to prevent them.

8. We shall have to listen to what Sir A. Dalal has to say. In the first instance it will be necessary to elucidate his ideas more clearly. The issues involved are very tangled and my suggestion is that as a first step he should be asked to discuss the matter with a body of officials drawn from the India Office, Board of Trade and Treasury, with whom I would propose to associate my Legal Adviser. This body might be instructed to clarify the issues with Sir A. Dalal

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and report back to the India Committee, with their recommendations. They should have no authority to enter into commitments with Sir A. Dalal.

9. It is desirable that this body of officials should know in general terms (but of course not for communication to Sir A. Dalal) how far we might be ready to go, so that they may suitably guide the discussions. My own view is that the simplest and wisest course would be the complete repeal of the commercial safeguards. We shall have to drop them in the end, and now that the issue has been raised it is bound to be inflamed by our opposition, with consequences that can only harm British industry, which is not, in fact, expecting the support of these provisions and is not likely to thank us for exposing them to agitation and possibly boycott.

10. If, however, this does not commend itself to the India Committee, I suggest that:—

(*a*) we might agree to introduce legislation repealing Section 116 of the Government of India Act, which provides that United Kingdom companies carrying on business in India shall be eligible for any grant, bounty or subsidy paid out of Indian revenues for the encouragement of any trade or industry to the same extent as British Indian companies, subject to relatively unimportant conditions in respect of United Kingdom companies not engaged in the trade or industry in question when the Act authorising the grant of financial assistance to it is passed. This I think is the particular commercial safeguard which it is most difficult to defend against Indian criticism. Its repeal would go far to enable the Government of India to proceed with that part of their plans described in paragraph 3 above which is likely to be acceptable to the Provinces and States;

(*b*) we must make it clear to Sir A. Dalal that so long as the commercial safeguards in general remain, we cannot shut our eyes to flagrant action in the executive field contrary to their purposes;

(*c*) we might express readiness, subject to (*b*) above, to consider individual cases on their merits and, provided the Government of India on their part can check agitation on the subject in India of a kind likely to arouse a counter-agitation here from the United Kingdom interests concerned, undertake in suitable cases to seek to exercise our influence with particular United Kingdom interests with a view to preventing them pursuing their plans to participate in India's industrial development in a manner calculated to exacerbate Indian opinion.

11. The following points call for decision:

(i) Whether Sir A. Dalal should in the first instance be asked to discuss his proposals with a body of officials as is suggested in paragraph 8.

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(ii) Whether we can contemplate the complete repeal of the commercial safeguards.
(iii) Whether if the answer to (ii) is negative the discussions between Sir A. Dalal can proceed on the basis that the door is not closed to action on the lines of (*a*), (*b*) and (*c*) of paragraph 9 [10].

L. S. A.

Annex to No. 434

(1) Iron and Steel
(2) Manufacture of Prime Movers
(3) Automobiles and Tractors
(4) Aircraft
(5) Ship-building and Marine Engineering
(6) Electrical Machinery
(7) Heavy Machinery, such as Textile, Sugar, Paper, Mining, Cement and Chemical
(8) Machine Tools
(9) Heavy Chemicals and Fine Chemicals, Chemical Dyes, Fertilisers and Pharmaceutical Drugs
(10) Electro-Chemical Industry
(11) Cotton and Woollen Textiles
(12) Cement
(13) Power Alcohol
(14) Sugar
(15) Motor and Aviation Fuel
(16) Rubber Manufacture
(17) Non-ferrous Metals Industry
(18) Electric Power
(19) Coal
(20) Radio Engineering.

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Mr Amery to Sir J. Colville

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *3 May 1945*
Received: 9 May

All my thanks to you and your lady for your kindly hospitality to Julian. He seems to have had two wonderful days in Delhi and I am glad you report him fit as well as knowledgeable about China. I have had a telegram from him since

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his return to Chungking as to when he should come back for the election and, on Winston's advice, have told him to come back at once. Election prospects are still very uncertain, but there seems to be a growing feeling in favour of getting it over without more ado, and in that case a June or July election is quite probable.

On the other hand, new troubles are cropping up all the time. The French are being difficult over Syria and if they insist on landing troops there in the next few days that may well precipitate trouble. As for the Russians, their behaviour is quite intolerable, in Bulgaria, Rumania and Austria, as well as in Poland. In Austria they have just set up a socialist-communist government in Vienna, without consulting us, which is likely to be anything but acceptable to the Catholic Peasantry of the greater part of Austria. I dare say all these troubles will get straightened out somehow as we go along; but they may be a reason for postponing an election—or for precipitating it.

2. As regards our own more particular affairs, the India Committee, after many sittings, has practically come back to Wavell's original plan, subject only to its being launched by a formal declaration in Parliament and to two extensions, which to my mind are definitely improvements. One is allowing an Indian Member to take charge of External Affairs, with the correlative of India's representatives abroad being given full diplomatic rank: the other that, if the proposals are accepted in India, we appoint a United Kingdom High Commissioner to India in order to represent purely U.K. interests and to make it clear that the Viceroy's reserve powers are essentially arbitral powers exercised in India's interest and consequently indispensable so long as there is not an all-India constitution that supersedes the communal issue and also provides for the Princes. So far there has not been a Cabinet decision but I am reasonably hopeful that the proposals as amended will be approved and enable the Indian issue to be taken out of party politics before the election. All being well, the Cabinet should come to its decision early next week, enabling Wavell to fly back before the end of the week and a decision to be announced before the Whitsun Recess.

3. You mentioned in paragraph 2 of your letter of 24th April[1] that the good reception given to Indian prisoners of war arriving in England was worth more publicity. I thought it worth while to enquire what was being done at this end and I am told that the arrangements for released Indian prisoners have been exceedingly well reported to India both by Reuters and the Globe Agency. Reuters have sent a dozen very good stories during the last month by their reporter, who has three times visited the Thetford centre for released prisoners and has accompanied the men on their entertainment visits to London. They have also sent a large number of interviews with returned prisoners giving

[1] No. 409.

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their personal experiences in detention camps in Germany and their names, regiments and home addresses in India. Indian journalists here have not, I am told, been much interested, as they are rather obsessed with politics, but the British-owned papers such as the *Statesman*, and Reuters and the Globe Agency have all sent stories. It seems therefore that you are getting plenty of material and I hope Bozman will be able to get a good showing for it in the Indian papers.

4. I was interested in Auchinleck's idea that a mixed contingent of Indian Army, R.I.N., and R.I.A.F. should go to America.[2] In principle I think this is a good idea, but I feel sure that there will be great transport difficulties in arranging anything of this kind at present. Even when the German war ends there will be great pressure on all forms of passenger shipping for troop movements, both from Europe to the East and from Europe to the United States. Also, is it not possible that the Americans would think it odd that a contingent of the Indian Army should be visiting the U.S.A. while the war against Japan is still going on? I gather that Wavell has replied to your letter on these lines, and I also think that it would be better to postpone this idea until rather later on.

[Para. 5, on the visit of the Afghan Military Mission to India; para. 6, on the future of Indian air services; para. 7, on the proposal that the India Office should circulate memoranda of Sir O. Caroe's Research Group to Editors and others; and PS., on a letter from the Reverend P. T. B. Clayton asking for help in the supply of wood to restore a damaged church, omitted.]

[2] See No. 383, para. 10.

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Mr Amery to Sir J. Colville

Telegram, L/PO/6/108c: f 11

PRIVATE INDIA OFFICE, *3 May 1945, 11.50 pm*

285. Superintendent Series. My telegram 9995[1] and your private telm. 781-S.[2] Discussions of Wavell's proposals with Cabinet Committee have been completed and matter is now on Cabinet level. Decisions are not likely to be reached before next week and I think Wavell will be here at least a week and probably ten days more. I can give no forecast of the outcome at present.

[1] No. 437. [2] No. 431.

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Mr Amery to Sir J. Colville

Telegram, L/P&J/8/653: f 114

IMPORTANT INDIA OFFICE, *4 May 1945, 1.20 am*
SECRET

No. 9995. Your telegram No. 776–S[1] of 30th April. I appreciate Casey's difficulties but agree with what you say in paragraph 3 about reserving a decision regarding elections in Bengal until the outcome of Wavell's visit is known. I also agree with the line taken about Advisers in paragraph 5 although I would leave final decision on this point to Casey.

Whatever the outcome of discussions here question remains whether elections can be held in Bengal this year without creating difficulties elsewhere and it seems desirable therefore to put in hand at once consultation with Governors of other Provinces as to possible reactions of holding an election in Bengal only[2] at the end of this year. You would then have their views by the time Wavell gets back or soon after and they would be available if needed. Lord Wavell has seen and agrees.

[1] No. 427. [2] 'only' deciphered as 'early'.

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War Cabinet

India Committee. I (45) 24th Meeting[1]

L/E/8/3821: ff 386–92

Those present at this Meeting held in Conference Room 'B', Great George Street, S.W.1, on 7 May 1945 at 11 am were: Viscount Simon (in the Chair), Sir John Anderson, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel

Also present were: Lord Leathers, Mr Spencer Summers; Sir Gilbert Laithwaite (Secretary)

The Committee had before them memoranda by the Secretary of State for India (I. (45) 72 and 76)[2] on the Commercial Discrimination provisions of the Government of India Act, 1935, discussing the line to be taken with Sir

[1] Certain amendments to the Minutes of this meeting made by the War Cabinet Offices on 10 and 16 May 1945 are incorporated in the version printed here.
[2] Nos. 418 and 434.

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Ardeshir Dalal, Reconstruction Member of the Governor-General's Council, who had now arrived in London to discuss with His Majesty's Government the effect of these provisions on his plans for the post-war development of Indian industry.

THE SECRETARY OF STATE FOR INDIA said that the position was briefly that the Government of India proposed to embark on a policy of active State support of Indian industry and the rapid industrialisation of India with State assistance and under State control. They contemplated in particular bringing twenty basic industries by central legislation out of the provincial and into the central field; the granting of financial assistance by the Government of India to any of those industries which needed it; the possibility of nationalising a few industries; and the introduction of a licensing system designed to secure the satisfactory geographical distribution of industry. In addition they had in mind tariff protection of [? and] purchases of the products of Indian industry by Government in preference to others, and taxation remissions. They now found that the economic clauses in the Government of India Act, 1935 (Chapter 3, sections 112 to 119) stood in the way of their complete liberty of action in this matter.

Those clauses had been passed when State intervention to this extent in the development of Indian industry had not been envisaged, and were, he felt, no longer appropriate in present circumstances. He had himself, indeed, when the Act of 1935 was before Parliament, thought that the protection which it contained against commercial discrimination was a mistake. We had now to decide how this problem was to be solved. In his view the wise course would be completely to repeal the commercial safeguards. We should have to drop them in the end; we were pledged by the undertakings given by Sir Stafford Cripps in 1942 to their abandonment in due course; and recent discussions between India and industrialists in this country had proceeded on the assumption on the British side that they would in any event disappear once a new Government of India Act came into being.

The Government of India's proposals had been elaborated without consultation with him, but he had warned the Viceroy of possible difficulty here and was not himself committed to them. These were, however, essentially matters for India, and the fiscal convention had been so expanded in working as to leave India free to frame her tariffs or budgets without interference from here. He felt himself that we had reached a point at which we should be wise, with the minimum modification of the existing constitution, to give India all the rights and powers (subject to a moderate control outside the economic field) which she would have as a Dominion. There were practical advantages in deferring to economic nationalism in India, and in yielding gracefully now what India felt had been definitely promised for the near future.

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He was not suggesting that any final decision could be taken or that Parliament could be asked to pass legislation so close to the end of the Government's life. But we should at any rate look closely into the matter, and see what could best be done. As a first step Sir A. Dalal should be asked to discuss with a body of officials from the India Office, the Board of Trade, and the Treasury, who should be instructed to clarify the issues and make recommendations to the India Committee, but should have no authority to enter into commitments. Clarification was desirable since he was not himself altogether satisfied that Sir A. Dalal's case was in all respects watertight.

THE LORD CHANCELLOR said that, closely associated as he had been with the piloting of the commercial discrimination clauses through Parliament in 1935, he could not but take a serious view of these proposals, which ran flatly contrary to the undertakings then given. That was the more important as the Act of 1935 had been placed on the Statute Book consequent on specific assurances to the Chambers of Commerce, shipping companies and other commercial bodies that the provisions of Chapter 3 on commercial discrimination would be a real and effective protection for them. He was in particular disturbed by the statement in paragraph 9 of I. (45) 76. If that represented the view of those responsible, we risked throwing up everything without getting out of our responsibilities to India. The statement made by Sir Stafford Cripps in 1942, with which he personally agreed, was strictly contingent on India first achieving self-government. No such condition was now to be attached to the concessions proposed. He enquired what the Viceroy's view was.

THE MINISTER OF EDUCATION said that the commercial discrimination provisions in the Act had been inserted deliberately in 1935. He found himself in radical disagreement with the policy now proposed by the Government of India, which in his judgment was not only a betrayal of the Act of 1935, but unjustified on merits. We must not allow ourselves to be rushed into premature or unjustified conclusions merely because Sir A. Dalal had visited this country uninvited by His Majesty's Government. The proposals now before the Committee confirmed his earlier doubts of the wisdom of dealing with the problem of India piecemeal.

THE SECRETARY OF STATE FOR WAR said he understood that the policy embodied in these papers had been publicly announced. Was it so announced as a definite decision? If so, had the Secretary of State previously been formally consulted about it? It was in his view wholly against the interests not only of this country but of India, and he felt that no announcement should have been made without prior approval from His Majesty's Government. The fiscal convention operated only when the Governor-General's Council and the legislature were in agreement; and its scope was thus much narrower than had been suggested. Apart from this it could not be suggested that Parliament was not

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actively interested. Legislation would be necessary for the transfer of basic industries from the provincial to the central list. Certain industries would, under the proposals, be nationalised, and that by a non-responsible Government. Finally, the proposals would fasten the control of the Indian money-lending interests on India more than anything for a long time.

There was, further, the problem of the sterling balances. Even if our immense debt to India was scaled down, we could not hope to repay it without increasing our exports, and in particular our hidden exports. It would be folly to abandon our position under the statute, with the question of the balances unsettled. Apart from that, to industrialise India before anything had been done to increase the efficiency of the Indian agriculturist was open to the strongest objection. In his view the present proposals would lead to disaster and not to the advantage of India.

The policy should, in his judgment, have been put up in the ordinary way and tested in terms of its effect on the interests of India. As the matter had been handled we had been manoeuvred into a position in which if we were not most careful we would be misrepresented as holding up the future commercial and economic development of India in the interest of the United Kingdom. He drew attention in this connection to the fact that section 118(1) contained specific provision for the suspension of the commercial discrimination provisions, but only on the conclusion in replacement of them of a commercial convention.

THE MINISTER OF AIRCRAFT PRODUCTION said he assumed that the present proposals were the outcome of the Cabinet's invitation to the Viceroy on his appointment to explore the economic development of India.[3] He fully agreed that they represented a complete change of policy. But was not the short point whether we should or should not accept and assist action on these lines, and whether the scheme was in itself sound or not?

The proposals of the Government of India set out in paragraph 3(*a*) to (*g*) of I. (45) 76 could, he thought, be implemented without conflict with the discrimination provisions of the Act. On the other hand, this was the nationalist cover for administrative action which would in practice be applied to favour Indian interests. The commercial discrimination clauses of the Act of 1935 took the place of a commercial treaty, laid down unilaterally, and the issues now under discussion had recently come up in connection with the commercial treaty with China. What India wanted was revision of these treaty-like terms of the Act.

The only danger was lest we should appear as refusing to permit any economic advance in India. We had been placed in an awkward position by the publication of these terms in India. We should not lightly accept the burden of being the obstacle in the way of something Indians wanted to do for the economic

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advancement of their own country, and while he quite agreed that that might not be the true motive underlying these proposals, that would not make the suggestion any less dangerous to us.

He agreed with the Secretary of State for War as to the importance of the provision in section 118(1) of the Act for the conclusion of a convention. It would be unfortunate if we said we would have nothing to do with any adjustment. We should be better advised to take advantage of the present [presence] of section 118, and to say that if India now wanted to negotiate a convention to replace the existing commercial provisions of the Act, we were very ready to discuss, but that they should be warned that we were unlikely to dispense with the substance of the existing clauses.

He could not agree that there was any analogy between these proposals and the offer which he had been authorised to make to India in 1942. That had been strictly contingent on the prior achievement by India of responsible Government. Our difficulty was of course that we found ourselves appearing on both sides, with the Viceroy representing at the same time British and Indian interests, and so exposed to very damaging counter propaganda.

THE SECRETARY TO THE DEPARTMENT OF OVERSEAS TRADE said that the President of the Board of Trade was unfortunately unable to be present but had asked him to represent his view. In the view of the Board of Trade it was very unsatisfactory that just when the circumstances to deal with which the safeguards had been inserted in the Act materialised, we should be asked to dispense with those safeguards with nothing in return save the alleged facilitation of political moves on the other side. That was the more unfortunate at this moment, when the Board of Trade had been encouraging British industry to assist India in her development, for it would be difficult to reconcile appeals for such assistance with cutting the ground from under the feet of British industrial interests already in that country. He could not agree that British industry was not seriously concerned. Any securely established British interest in India would regard proposals of the nature of those before the Committee as a sacrifice of its position if introduced in advance of full self-government for India.

In foreign countries our commercial treaties ensured for British companies a position which might differ from the treatment of the nationals of those countries. In the Dominions there was no binding agreement of this kind because it was unnecessary. No attempt to distinguish between the nationals of Dominions would, however, be tolerated in the Dominions, and no argument could be based on the Dominion position for proposals such as these. As regards the suggestion that there should be conversations between officials and Sir A. Dalal, he felt that it would be putting the official Committee in an

[3] See Vol. IV, No. 172, para. 2.

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impossible position to ask them to negotiate with him. We were in great danger of having the position misrepresented. Sir A. Dalal's proposals concerned not development of India but development by Indians. We must see that our views on the latter objection [*sic*] were not falsely attributed to the former.

The Board of Trade were strongly opposed to any exploratory talks of the type that had been suggested. Any conversations with Sir A. Dalal should be designed to ascertain in what way the discrimination provisions of the Act operated to make the development of Indian industry impossible or difficult.

THE MINISTER OF WAR TRANSPORT said that he could not agree that industry in this country was not relying on the continued operation of the clauses under discussion. Shippers did so in particular. Their situation would be in grave jeopardy without provisions of this nature. Before any move was made, further clarification was needed. He felt that we should have great opposition to action on the lines suggested from industry, shipping, and general production.

THE CHANCELLOR OF THE EXCHEQUER expressed surprise that the Government of India should have been able, without warning to His Majesty's Government, and without more consideration of reactions in this country and in Parliament, to go so far with proposals so fundamental in their importance. The fiscal convention had been mentioned, but tariffs were quite irrelevant in this connection. They did not discriminate between people lawfully resident in the area covered, and the principle of no excise discrimination ran through all commercial treaties. What was now proposed, on the other hand, was an internal discrimination. He agreed that these proposals clearly indicated the need for a High Commissioner in India to concern himself with the interests of this country.

He agreed with the Secretary of State for War in seeing something very sinister in these proposals. We were told that they were the outcome of the liberty given to the Viceroy by the Cabinet in 1943 to examine the possibilities of economic advance in India. He had been a party to that decision, but he had never for a moment imagined that anything like this would be involved. There was a vast field of quite a different character in which action could be taken profitably to the improvement of the economic position of the people of India—and he saw no evidence that over the matters now under discussion the interests of the people of India had been the criteria; indeed, he thought exactly the opposite was the case.

He could see no analogy with the offer which Sir Stafford Cripps had been authorised to make. We were then prepared to say that, given a self-governing India properly established, we should be ready to deal with it with the gloves off. Now, however, that we were still in the position of trustees it was most unsatisfactory that we should be exposed to a charge of deliberately neglecting

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our duty towards Indian advance because of our own interest. Such a position should never have arisen. The offer of 1942 had contemplated a situation in which we could protect our own interests against a body competent to speak and to fight on behalf of India. Even then it could not be assumed that we should drop the special provisions contained in the Act of 1935. That would be a matter for negotiation and bargaining. In his view, we should tell Sir A. Dalal that there could be no discussion on these matters. It would not be safe for officials to discuss with Sir A. Dalal without the clearest possible prior directions from the Government on the large issue of policy.

The Minister of Aircraft Production left the meeting at this point.

THE SECRETARY OF STATE FOR INDIA said that paragraph 9 of I. (45) 76, to which some exception had been taken, represented his personal view. He remained of that view. Things had changed greatly both here and in India since 1935. There had been great advances in India since then, and we must take account of the passionate Indian nationalism which governed her whole policy today, and would back any nationalist policy whether necessarily in the interests of India or not. He thought Sir Stafford Cripps was perhaps right in seeing very little in the policy proposed which need involve any conflict with the discrimination provisions of the Act, but we must accept it that we could not interfere with India's progress in these matters, and the only question was whether to hang on to our legal rights now and foster trouble, to tide over the situation for a few weeks or months, or, as he would recommend, to say that we were not standing out for anything that we would not demand in the case of a foreign country such as China, to consider some sort of trade agreement or convention with India and in so far as such convention might be inconsistent with the Act as it stood, to adopt the necessary legislation.

He had been asked the Viceroy's view. He had warned the Viceroy at the time that difficulties were likely to arise and that the matter had better be discussed here. It had not of course been possible for the Viceroy to prevent discussion in Council, or the despatch to this country of Sir A. Dalal.

THE LORD CHANCELLOR said that, even accepting as suggested by the Minister of Aircraft Production that the introduction of the arrangements now in view would not necessarily conflict with the terms of the commercial discrimination provisions of the Act of 1935, he felt that those provisions would preclude any discrimination in executive administration to the disadvantage of British companies etc. just as much as they precluded discrimination by statute.

THE SECRETARY OF STATE FOR INDIA said that he was ready to repeal because he thought it would pay us to do so and to replace these provisions by an ordinary commercial treaty. He would be quite ready to make such a treaty after further investigation with the existing Government of India. If, however, we got to that point, we would find that any such treaty between us

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went beyond the clauses now under discussion and therefore beyond what was provided in Section 118. Surely all that was necessary at this stage was that Sir A. Dalal should explore the matter with officials? We were very near the end of the Government's life. Legislation could not be introduced at this stage, and it would be for another Government to consider the matter after those discussions had taken place.

THE LORD CHANCELLOR agreed with the Chancellor of the Exchequer that officials could not wisely or adequately be required to investigate Sir A. Dalal's mind. He would himself prefer that if anything had to be said to him it should be that we were not prepared to consider any modification of the provisions of the Government of India Act. If, as he understood, there were other matters X which Sir A. Dalal had it in mind to discuss during his visit to this country, that would be a good field to occupy him. He could not himself agree to discussion of the commercial discrimination provisions of the Act. If Sir A. Dalal was to be seen by anyone it should be by the Secretary of State for India, who should make it clear that there could be no question of any such amendment.

After further discussion, general agreement was expressed with the Lord Chancellor's views at "X".

THE SECRETARY OF STATE FOR INDIA said that in the light of the Committee's views he would be very ready to tell Sir A. Dalal that if he thought we were in a position to consider dropping the commercial discrimination provisions of the Act he was in error. He would urge him to take up the other matters in which he was interested, and point out that there was plenty of room for economic development in India without affecting the clauses that had been under consideration.

After further discussion, THE COMMITTEE:—

(1) Agreed that it would not be desirable that Sir A. Dalal should be asked to discuss his proposals with officials, as suggested in paragraph 8 of I. (45) 76.
(2) Agreed that instead he should be received by the Secretary of State for India, who should make it clear that there could be no question of consideration being given to any amendment of the sections of the Act of 1935 dealing with commercial discrimination.
(3) Invited the Chairman to frame for their consideration a Report submitting their conclusions for the approval of the Cabinet.

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Sir G. Cunningham (North-West Frontier Province) to Sir J. Colville

Telegram, L/P&J/8/659: f 15

IMPORTANT NATHIAGALI, *7 May 1945, 3.20 pm*
Received at India Office: 7 May, 6.45 pm

CA 40.[1] Text of statement.[2] *Begins.* Certain statements recently published in Press have been brought to my notice. Some of the statements attributed to me have been misrepresented and in order to make position clear I wish to state that when I accepted office I did so with full intention of running administration for benefit of India in general and people [? of] this Province in particular, and that at present in practice this involves participation in general war effort. *Ends.*

Repeated to Secretary of State for India.

[1] The tel. no. has been determined from other papers on L/P&J/8/659.
[2] In his immediately preceding tel. Sir G. Cunningham said he was repeating the text of a statement Dr Khan Sahib was issuing. L/P&J/8/659.

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 17 *7 May 1945*

Your last letter was of the 19th April[1] and I referred to it in mine of the 30th.[2] We are all rejoicing that V-E Day has really come, and our programme of celebration is being put into operation. It is briefly as follows:—

The announcement will be made in the evening by our Indian Standard Time. The broadcast of the Prime Minister's speech will be followed by a very short broadcast by me. I shall declare that the two following days will be public holidays. We shall then observe the Thanksgiving Day on the same day as in the United Kingdom and the following Monday will be the day for parades, celebrations, fireworks, etc. I shall tell you about it in my next letter.

Thank you very much for your telegram.[3] I shall ensure that your message is given publicity.

[1] No. 398. [2] No. 430.
[3] No copy of Mr Amery's Victory message to Sir J. Colville has been traced in Wavell Papers or I.O.R. but as stated in the PPS to this letter it was published in the Indian Press on 9 May.

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2. In paragraph 8 of my last letter I said that I would ask Mudie to explain in Council the upshot of his discussions with your Advisers about filling the war-reserved vacancies in the I.C.S. and the Indian Police. He did this last Wednesday and I think Council were satisfied. He promised to give them advance copies of the printed pamphlet which is being issued to prospective candidates, and it is possible that there may then be some reactions but I think probably not.

3. I hope none of the leakages of the Woodhead Report reached the United Kingdom. Quotations from the Report and some comment appeared in several Indian newspapers almost immediately after the Report was issued to correspondents. The leakage was traced to a correspondent of the *Pioneer* which is a paper owned by J. P. Srivastava. Whether he is to blame through carelessness or otherwise for the leakage I cannot definitely say but I have asked the Department of Information and Broadcasting to examine what action should be taken against the correspondent. There have been no subsequent leakages and we have stuck to the prearranged date of official release, which was the 8th. As it has coincided with V-E Day the impact is considerably lessened!

4. We have had correspondence by telegram about Dr. Khan Sahib's statement with regard to assistance in the war effort. I was not satisfied with Cunningham's original attitude[4] which seemed to me to be dictated by parochial interests. However, as you will have seen from the latest telegrams the Khan Sahib is making a statement[5] which, I think, is sufficient to remove misunderstandings, and it will now be unnecessary for you to arrange a Parliamentary question.

5. Glancy's latest letter[6] has been sent to you. I promised him that I would draw your attention to the two requests by his Ministry, first that their representatives should have an interview if political leaders are called for discussions on Wavell's return, and secondly that if there is to be a "popular" Government at the Centre there should be a Muslim representative of the Unionist Party in the Executive Council. I should be grateful if you would draw Wavell's attention to these two requests.

[Para. 6, on immigration of Indians into Burma, omitted.]

7. I hope liaison between Peel and the Indian delegation in San Francisco is working satisfactorily. Caroe has been pressing me to issue instructions on various points to our delegation but I have refrained from doing so except to the extent of telegraphing that if they wish to raise or discuss the matter of the French establishments in India they should first obtain Council's approval. I think you will agree that it is best not to try to tie the delegation too closely to His Majesty's Government's policy especially after what has been said about their being briefed from India and not from London. I think we can trust

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Mudaliar's discretion, but even a mild indiscretion which showed independence might have its value. In any case I should not like to issue instructions to the delegation about a subject like trusteeship without discussing in Council and such a discussion might be embarrassing. I have therefore left the delegation with a free hand subject to their brief which was prepared before Wavell left.

[Para. 8, on a report recommending the establishment of scientific liaison offices in London and Washington, omitted.]

9. I imagine the English newspapers have reported the fact that the third Judge of the C.P. High Court has supported Hemeon who ruled that the petition on behalf of the Chimur-Ashti condemned men should be rejected. It is probable that there will be an appeal to the Privy Council and in view of the difference of opinion in the Central Provinces High Court I doubt whether we can execute the sentences until the result of the appeal is known, which means a considerable extra delay. Meanwhile Twynam has recommended[7] that the sentences be commuted and an announcement be made on V-Day to that effect. Unfortunately this is not an isolated case. The case from Fatwa (Bihar) is now pending with the Privy Council. The Kulasekharapatnam case from Madras is pending with me and so is the Jaunpur case from the United Provinces. The circumstances of the first two of these cases are similar to those of the Chimur-Ashti case. I have consulted the Governors of Bihar, Madras and the United Provinces. Madras is in favour of commutation, Bihar is against and the United Provinces strongly against. After consulting Mudie and Thorne I have come to the view that it is better to let things take their course and not commute at this stage.

10. We are examining the requests on behalf of Ceylon for extra imports of rice which Wavell has mentioned to me.

[Para. 11, on the request of the tea industry for the return of some of its staff, omitted.]

Your letter of 3rd May[8] has just come and I shall comment on it in my next letter.

9 May 1945

PS.—I have seen your telegram No. 10348,[9] dated 8th May, in which you say that you think it is unnecessary to put right the misunderstanding about Khan Sahib and the war effort unless the question is pressed in Parliament. But the Parliamentary consideration seems to me not to be the only one, and speaking as the Governor of a 93 Province I would object to the Congress being left with the impression that ministries may be formed without an assurance to support the war effort. Other Section 93 Governors would, I think,

[4] See No. 433 and its note 3. [5] See No. 439. [6] No. 553 dated 4 May 1945. L/P&J/5/248.
[7] In a letter dated 1 May 1945. L/P&J/8/610. [8] No. 435. [9] L/P&J/8/659: f 23.

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agree. Cunningham however had already spoken to Khan Sahib before your telegram arrived, and Khan Sahib's statement, of which you have the text, has appeared in the Press. Though Cunningham may get the impression, from the fact that your telegram to me turning down my proposal was repeated to him, that I made an unnecessary fuss, the final outcome is satisfactory to all of us, and I do not suppose that it will embarrass even Khan Sahib very much.

PPS.—The Prime Minister's broadcast came through splendidly at 7-30 last night.

Your message was in time to appear in the Press this morning.

I waited up till 1-30 this morning to hear the King and was well rewarded. His Majesty's speech has been repeated twice today on A.I.R.

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Government of India, External Affairs Department to Secretary of State

Telegram, L/P&S/12/2652: f 10

IMPORTANT NEW DELHI, *8 May 1945, 2.35 am*
Received: 8 May, 9.0 am

4251. Your telegram 8469 dated April 17th.[1]

2. Circumstances of appointment of American and Chinese Commissioners to India and of Indian Agents General in Washington and Chungking are known to H.M.G. In both cases it may be said that arrangement was agreed to with reference to special circumstances of war (see External Affairs Department telegram to India Office 1553-G[2] dated July 10th 1941), though it appears that this limitation was omitted from American announcement. Proposal to extend exchange of quasi diplomatic missions to France (for we imagine that arrangement would have to be reciprocal) raises important issues of policy and may lead to practical difficulties. From general point of view there is much to be said for extension of representation at this level to wider field. But it must be realised that process will not stop with France. Persia for instance would be very likely to follow French initiative with result that India would have to consider establishment of parallel representation in Tehran. It is possible Afghanistan would also follow this lead.

3. There are further considerations. First is existence of French establishments in India with which direct relations, at present highly satisfactory, would be made more difficult by interposition of French mission in Delhi. Indeed, if it is decided to pursue proposal, we think condition should be added that it should not interfere with channels of communication already existing for communication with French Governor through H.M. Consul-General Pondicherry.

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4. There would be practical difficulty in finding accommodation for French Mission in Delhi while war lasts.

5. At the other end we doubt if Indian representative in Paris would find much to do and we should have difficulty with present shortage in finding suitable officer and staff.

6. Lastly French Government may be actuated by considerations such as desire to obtain high level representative in India with a view to exercising political pressure nearer scene in order to advance French policy in Indo China. We feel larger issues in this particular matter can only be appreciated by H.M.G.

Generally we feel wider objective of extending Indian representation may not be best served at this juncture by acceptance of present proposal.[3]

[1] This tel. informed the G. of I. that the French government had proposed the exchange of diplomatic representatives with India primarily on the ground that its Consular representatives at Calcutta and Bombay were unable adequately to represent the interests of French establishments. L/P&S/12/2652: f 12.

[2] This tel. conveyed the text of the announcement the G. of I. was to issue on the appointment of Sir G. S. Bajpai as Indian Agent-General in the U.S. The relevant sentence read: 'In special circumstances of war Govt. of United States of America and H.M.G. in consultation with Govt. of India have agreed to a reciprocal exchange of representatives between U.S.A. and India.' L/P&S/12/2633: f 324.

[3] In a letter dated 23 May 1945, the India Office conveyed the Govt of India's views, as in this tel., to the Foreign Office. The letter concluded by stating that unless there were overwhelmingly strong arguments in favour of the French proposal, Mr Amery felt it would be unwise to accede to it. L/P&S/12/2652: ff 6–7.

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Mr Amery to Mr Churchill

L/PO/6/108c: f 10

INDIA OFFICE, *8 May 1945*

Secretary of State's Minute: Serial No. P.17/45

Prime Minister

I hear from the Cabinet Office that you are not proposing to take India till next week. That means that there would not be time after the decision of the Cabinet for Wavell to reach India before the House adjourns on the 17th, and no statement could be made in the House before it reassembles on the 29th.

If, on the other hand, a decision could be reached this Friday, it would be possible for the Viceroy to fly back and be in India in time for a statement in the House to be made on the 16th or 17th. There are, I think, considerable advantages in securing a statement—if there is to be one—before the House adjourns.

L. S. AMERY

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Mr Churchill to Mr Amery

L/PO/6/108c: f 9

10 DOWNING STREET, WHITEHALL, *10 May 1945*

Prime Minister's Personal Minute Serial No. M.455/5

Ref: P.17/45[1]

Secretary of State for India

I do not think that it will be possible to meet your wishes in view of the heavy burden of business which has descended upon us.

W.S.C.

[1] No. 442.

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Note by Mr Amery

L/E/8/3821: f 384

10 May 1945

NOTE ON TALK WITH SIR ARDESHIR DALAL ON MAY 7TH

I told Sir A. Dalal at the outset that there can be no question, at any rate in the immediate future, of legislation to repeal, in whole or part, the non-discrimination clauses. For one thing, they could only be modified in return for a satisfactory commercial agreement and there would be no question of being able to settle that or to legislate in the lifetime of the present Parliament. He suggested that it might be possible to come to an agreement now which could be implemented later on, but I said that it was out of the question at this stage to bind a subsequent Government. He expressed himself as very much disappointed and complained that if that was the position he should not have been allowed to come home by the Viceroy. I might have retorted, but refrained, that such trouble as he may meet with if he returns empty handed on this issue will be entirely due to his own unnecessary statement to the Assembly[1] that he was coming home to negotiate. For the rest he dwelt on the ill-feeling that would be created by refusal to consider helping the Government of India over a policy which was essentially moderate and freely denounced by Congress for its moderation.

I pointed out to him that the reasons which led him to ask for a change in the existing law were largely hypothetical. Was there any evidence of any British firms wishing to rush in and secure licences in cases where only one or

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two firms were going to be licensed, or to demand subsidies in other cases? My own impression was that British industry was anxious to work with Indian industry on its own terms and I cited Nuffield as an example.

I suggested that there were other things for which he had come which were less hypothetical and more immediately urgent, namely, securing technicians from here and securing the training of technicians from India on this side, and urged him to see Mr. Bevin and Sir Andrew Duncan on this point. I also encouraged him to make such contacts as he could with other members of the Government, and no doubt he will take the opportunity to put his point of view and, on the other hand, to realise how things stand.

L.S.A.

[1] See No. 299, note 2.

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Sir G. Laithwaite to Mr Turnbull

L/E/8/3821: ff 367, 377–9

SECRET AND PERSONAL WAR CABINET OFFICES, GREAT GEORGE STREET, S.W.1, *10 May 1945*

My dear Frank,

I write in confirmation of my telephone message to say that the Lord Chancellor readily agrees that the Secretary of State should see a copy of his draft Report[1] confidentially and personally before it goes round for concurrence by the members of the Committee. I now attach a copy of it.

Yours ever,

GILBERT LAITHWAITE

Enclosure to No. 445 (Extract)[2]

Views of the India Committee

12. We fully accept the difficulty of the situation. Great publicity has been given to the Government of India's proposals. In the opinion of the majority of the Committee, these proposals are not in the interests of the Indian masses, and would merely entrench Indian "big business" in a position of monopoly. Sir A. Dalal, who is, or recently was, a director of Tatas, has in breach of his instructions committed the Government of India to discuss them with His

[1] On the Government of India's proposals regarding industrial development and the commercial discrimination provisions of the Act of 1935 (see No. 438).

[2] Paras. 1–11 of Lord Simon's draft report were substantially similar to paras. 1–11 of No. 456.

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Majesty's Government, and he has now arrived for that purpose in this country. Refusal to meet the Government of India's view will almost certainly be misrepresented to our disadvantage.

On the other hand, we are deeply impressed by the objections set out above to relieving the Government of India and the Indian Provincial Governments at this stage of their obligations under the Act of 1935 to protect British commercial interests in India from discriminatory treatment. We are in no sense hostile to India's economic development: indeed, we welcome any steps that can properly be taken to encourage and foster it. And if and when India achieves self-government, we readily agree that it would be appropriate that commercial relations between her and this country should be reviewed. The Act of 1935 makes provision (Section 118—see Appendix B)[3] for the negotiation of a commercial convention by which the existing commercial discrimination provisions could be modified or replaced. But such a convention would be negotiated on equal terms with a self-governing and representative Government of India. It would be negotiated in circumstances in which this country could protect its own interests without exposing itself to the charge that it was taking advantage of its position as a trustee. It would not be open to the objection which would lie to any convention negotiated now, that it was negotiated with a Government of India technically official in character, not responsible to an elected Legislature, nominated by the Crown on the recommendation of the Viceroy, and open to the suggestion in a matter such as this that it was a puppet government which had taken its orders in a matter of direct concern to the United Kingdom and the Empire from His Majesty's Government in the United Kingdom.

13. We are very conscious of the embarrassing misrepresentations to which His Majesty's Government could be exposed consequent on the handling of this matter by the Government of India, and in particular of the danger that if we resist these proposals we shall be accused of having sacrificed the interests of India to the interests of the United Kingdom. Deeply, however, as we should regret it should such a situation arise, we are of the opinion that the risks involved in it must be faced.

14. In these circumstances we recommend—

(1) That it should be made clear to Sir A. Dalal that His Majesty's Government are not prepared to consider any modification of the commercial discrimination provisions of the Act of 1935.

(2) That any conversations with him on this subject should be conducted at the ministerial and not at the official level. The communication which we suggest in (1) would appropriately be made to him by the Secretary of State for India, and the opportunity might be taken to ascertain on

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what in fact he based any suggestion that modification of the provisions of the Act is called for to enable India to proceed with her economic development.

[3] Not printed.

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Mr Amery to Sir J. Colville

L/PO/10/22

PRIVATE AND SECRET

INDIA OFFICE, *10 May 1945*
Received: 16 May

Decisions on India policy have inevitably been held up over this week of victory. It is all rather a bore for Wavell, but I am afraid it could not be helped. Winston has inevitably been up to his eyes with one thing and another, not to speak of preparing the broadcast in which tonight he commemorates five years of his Prime Ministership. I can only hope we get a final decision early next week. In any case it will be too late to enable Wavell to get back to Delhi before the House rises on the 17th and consequently any announcement of our Indian policy will have to wait till the House re-assembles at the very end of the month.

It has been a wonderful week with events almost too big to take in. The public mood has been one of profound thankfulness for having been saved out of very deep waters, on the one hand naturally to Winston and those who have led us in the field, but also in a deeper sense to Providence. There has been little sheer exultation and the behaviour of the crowds has been wonderful. No mafficking, no hysteria, but just gay, friendly, unrestrained good behaviour.

A couple of days away from the Office have given me some leisure hours in which to read George Trevelyan's *Social History of England*,[1] and I have found it a wonderful background and explanation, both of the qualities that won the war and of the way in which the nation is taking its victory.

[1] London, Longmans & Co., 1942.

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War Cabinet

India Committee. Paper I (45) 77

L/E/8/3821: ff 380–1

Commercial Discrimination Provisions of the Government of India Act

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *11 May 1945*

With the concurrence of the Chairman, I circulate a note by Lord Wavell about the question of the amendment of the Act to modify the commercial safeguards sections.

L.S.A.

NOTE BY LORD WAVELL

11 May 1945

I understand that the India Committee are considering Sir Ardeshir Dalal's request for the modification of the economic safeguard sections of the Act of 1935, arising out of the industrial policy which has been approved by the Governor-General in Council.

2. I am not at present concerned with the details of the policy proposed. Its main features are the development of about twenty industries under central control, and the introduction of a licensing system which would enable the Central and the Provincial Governments to regulate all industrial development. The intention is to encourage Indian as opposed to non-Indian enterprise, and to ensure that new concerns are financed mainly by Indian capital. State assistance of various kinds (e.g. subsidies or bounties) may be needed; and the Government of India wish for freedom to assist Indian concerns without a corresponding obligation to their British competitors. The Government of India fully realize the need for British participation and help, but their ultimate object (in which I have no doubt they are supported by almost all educated Indian opinion) is wide industrial development with the maximum use of Indian capital and Indian skill. Such a policy is vulnerable under the "Safeguard" sections of the Government of India Act of 1935, and the Government of India have been so advised by their Legislative Department. Sir Ardeshir Dalal's immediate aims are to secure His Majesty's Government's sympathy, so that the "Safeguard" sections may eventually be amended or repealed, and the goodwill of leading British industrialists.

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3. I am aware that the "Safeguard" sections were included in the 1935 Act, after prolonged discussion, to enable His Majesty's Government to fulfil their obligations to this country pending the establishment of an Indian Government capable of negotiating a genuine agreement. On the other hand, there have been very considerable political and industrial developments in India since then as a result of the war; and it is impossible to justify in India an uncompromising attitude on the "Safeguards". The demand for industrialisation by Indian enterprise is a very important and urgent political issue in India, on which Sir Ardeshir Dalal, and perhaps his Indian colleagues, would be prepared to resign, and any Executive Council not composed of officials would take the same view.

4. The realities of the situation are, I believe:

(i) that the Indians with influence in these matters are determined to industrialize the country, as far as possible by Indian enterprise;
(ii) that they are at present ready to cooperate with British business on reasonable terms;
(iii) that our business prospects in India are quite good, given such cooperation;
(iv) that if we withhold our cooperation, we may have to contend in the immediate future with boycotts like those of the twenties, and ultimately with the hostility of self-governing India in business matters;
(v) that the bulk of educated Indian opinion is united on the general principles of Sir Ardeshir Dalal's policy, though divided on matters of detail.

5. I am clear that to reject the Indian proposals out of hand would be a grave mistake. With a General Election in prospect, immediate legislation in Parliament is probably out of the question, and Sir Ardeshir Dalal and his Indian colleagues will appreciate this. But I am sure that the proposals deserve examination on their merits as a step towards possible legislation; and I feel that I ought to be allowed to discuss the matter with the Committee before any recommendation is submitted to the Cabinet. In some respects the proposals are probably too ambitious, but the principle underlying them is reasonable enough, and if we reject it summarily we are in for serious trouble, with greater detriment to our industrial interests in India than the abolition or amendment of the Safeguards will entail. It is at least essential to show that we are prepared to discuss India's ambitions towards industrialisation in a sympathetic spirit.

W.

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Sir J. Colville to Mr Amery

Telegram, L/P&J/8/653: f 109

IMPORTANT NEW DELHI, *14 May 1945, 9 pm*
Received: 15 May, 5.25 am

852-S. Your telegram No. 9995[1] of May 4th. Elections in Bengal. Governors have been consulted whether they would be seriously embarrassed by announcement that election would be held in Bengal next winter. *Punjab* is the only Governor to object, on the following grounds. Announcement in Bengal would result in demand that election in other provinces should be held simultaneously and such demand would be difficult to resist. If demand were conceded attention would be diverted from prosecution of the war and general tranquillity would be seriously disturbed. In the Punjab Moslem League would intensify Pakistan propaganda and communal tension would increase. This would gravely prejudice process of return to normal conditions and resettlement of soldiers. Question of soldiers votes has also to be considered.

2. *Cunningham* says no embarrassment. So does *Dow* who adds that if he had been forced into Section 93 during recent Sind crisis he would have made the same recommendation. *Hope* says no embarrassment and adds that Madras could, if need be, hold election without undue difficulty. *Twynam* entirely agrees with Casey and says no embarrassment but of course hopes of similar developments in Central Provinces would be aroused. *Clow* assumes that Bengal announcement would make it necessary to hold elections in Assam also but in view of changed war situation does not expect serious embarrassment. He suggests that if there is prospect of some (? political) settlement in the near future decision regarding Bengal should not be announced in advance as offer of election might facilitate settlement. *Hallett* is not seriously perturbed by Casey's proposal as Bengal conditions are very different from those of the United Provinces. Elections in the United Provinces would be undesirable as district staff is busy with economic problems and elections might cause disturbances both communal and agrarian and in labour centres and would impede the war effort. *Rutherford* foresees no embarrassment in Bihar. *Lewis* thinks that elections if held in Bengal (? should be) held also in all other provinces and would not be unwilling to hold them in Orissa as early as practicable. *Knight* says no embarrassment provided firstly it is made clear that reasons for introduction of Section 93 in Bengal were entirely different from those of Bombay and other Section 93 provinces and secondly that Bombay would

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not be committed about restoring ministerial rule whether with or without elections.[2]

[1] No. 437.
[2] In tel. 11542 of 24 May, Mr Amery informed Sir J. Colville he had discussed this tel. with Lord Wavell and that they were agreed a decision must await Lord Wavell's return. L/P&J/8/653: f 98.

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War Cabinet

India Committee. I (45) 25th Meeting[1]

L/E/8/3821: ff 338–347

Those present at this Meeting held in Conference Room 'B', Great George Street, S.W.1, on 14 May 1945 at 11 am were: Viscount Simon (in the Chair), Sir John Anderson, Mr Amery, Sir James Grigg, Sir Stafford Cripps, Mr R. A. Butler, the Earl of Listowel

Also present were: Field Marshal Viscount Wavell, Lord Leathers, Mr Spencer Summers; Sir Gilbert Laithwaite (Secretary)

The Committee had before them:—

(1) a memorandum (I. (45) 77)[2] by the Secretary of State for India covering a note by Lord Wavell about the amendment of the Act of 1935 to modify the commercial safeguards sections;
(2) a note by the India Office, a copy of which is appended to this record.

Intentions of the Government of India

In reply to the Lord Chancellor, who invited the Secretary of State for India to explain more precisely the intentions of the Government of India as set out in paragraph 4 of I. (45) 76[3] of 2nd May, THE SECRETARY OF STATE said that the Government of India had in mind that they should receive legislative authority to grant e.g. subsidies as they might think fit, and choose Indian and not British firms to benefit by such subsidies. By an Indian firm they meant a firm effectively under Indian control. The legislation in view would not provide in a schedule for a subsidy to named firms or industries, but would authorise the Administration to give assistance in that form (or e.g. by the grant of a monopoly) to a particular firm without any other firm not selected for that purpose acquiring the right to claim a portion of such assistance.

[1] One minor amendment to the Minutes made by the War Cabinet Offices on 16 May 1945 is incorporated in the version printed here.
[2] No. 447. [3] No. 434.

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THE LORD CHANCELLOR invited Lord Wavell to state his views.

Lord Wavell's Views

LORD WAVELL said that the realities of the situation, as he saw them, were set out in paragraph 4 of his note circulated under I. (45) 77. India's case merited and required sympathetic discussion. Her plans for post-war reconstruction had behind them substantial popular support: but the Government of India were convinced that without modification or repeal of the commercial discrimination clauses of the Act of 1935 they could not carry out the industrialisation of India which was necessary if the whole standard of living in that country was to be raised.

Indian industry and the training of Indian technicians had made great progress during the war. On taking up office in October, 1943 he had been instructed by the War Cabinet to do what he could to further the economic improvement of India and to raise her standards of living. He had accordingly appointed a special Member of his Council (Sir A. Dalal) for Reconstruction, to work out plans with as little delay as possible. The scheme now before the Committee was the outcome, but in submitting it Sir A. Dalal had told him that, in his view, the commercial discrimination clauses of the Act would have a seriously hampering effect on it. Lord Wavell had kept the Secretary of State for India informed of this; he had told Sir A. Dalal to go very slow, and had warned him that while there could be no question at the moment of a repeal of these clauses, he himself agreed that their effect on Indian industrial progress would require very careful examination and discussion, which he thought that Sir A. Dalal could best undertake when he visited this country in accordance with arrangements already made in the early summer of this year. He had also warned him to avoid public discussion of the matter in India, but unfortunately it had been necessary to deal with a resolution in the Assembly in handling which Sir A. Dalal had, under heckling, committed himself (as he fully admitted) in a way that had not been intended. Any error had, however, been essentially one of tactics; and the issue now before the Committee would have been bound to come up sooner or later.

He took it for granted that this country did not intend to hamper the industrial development of India, and it was in our interest to have friendly co-operation and understanding with India on business matters. Indian industrial leaders recognised the dependence of India in these matters on the United Kingdom and were anxious for such co-operation. But India was determined, and he thought not unreasonably, that her industrialisation should be carried out by Indian capital. Subject to that, he could not see why a satisfactory undertaking for cooperation to the mutual advantage of both parties should not be possible. On the other hand, complete non-co-operation on our part might well injure the future prospects of British business. Sir A. Dalal probably

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did not expect, in the case of the safeguards, their immediate repeal, and realised that legislation so late in the life of the present Government was impossible. But it was essential that the matter should be discussed in a friendly spirit with Sir A. Dalal, who at the moment felt that his ideas had been rejected without his having even been heard.

He had instructed Sir A. Dalal before leaving India to frame a statement of his proposals showing how far the commercial discrimination provisions of the Act would hamper him in giving effect to them. This had now been approved by the Government of India and was summarised in the acting Viceroy's telegram of 25th April No. 748-S circulated under I. (45) 76.[4] The arrangements in view were, of course, in respect of the internal Indian position. It was possible that the Provinces would not accept the list of industries to be placed under central control, and this and many other matters were for detailed consideration inside India and in the United Kingdom before the scheme could be accepted as a blue print. But the principles of the scheme were, he thought, reasonable and justified, and the case for sympathetic consideration of them a very strong one.

General Discussion

THE LORD CHANCELLOR said that it was clear from paragraph 7 of the acting Viceroy's telegram 748-S of 25th April that the Government of India realised that their desires could not be obtained without alteration of the safeguards embodied in the Act. The short point was that the present Constitution of India did not allow certain things to happen in this field and threw the duty on the Viceroy of preventing their happening. The present Constitution of India provided that there should be no discrimination. The legislation now suggested said, in fact, that the Government of India might pick and choose. Those two propositions were incompatible with one another. Failing any alteration in the Government of India Act, any new Indian legislation would therefore have to be made to square with the provisions of the Act, and so incorporate the substance of Sections 111 to 121. While he agreed that if those Sections were not now amended, a situation might not at once arise in which action taken by the Government of India in pursuance of their policy would attract the provisions of the Act, it would be unsatisfactory to let things go on that basis or to postpone providing for the contingency in advance of its arising.

LORD WAVELL agreed and said that he was advised by his Legislative Department that the provisions of Sections 111 to 121 were mandatory on the Governor-General and Governors.

THE SECRETARY OF STATE FOR WAR said that he wished to challenge the whole policy underlying the Government of India's proposals. Those proposals were the result of pressure from a very small group of Western Indian and

[4] The reference should be to I (45) 72; i.e. No. 418.

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Marwari industrialists, hostile to this country, and anxious to establish their own exclusive control in the Indian industrial field. He felt strongly that industrialisation would aggravate rather than cure India's troubles. Industrialisation could be justified only if an industrialised India could compete with foreign products without the assistance of tariffs. She had now had some twenty years' experience of protective measures, but it was only over iron and steel that she was able today to compete on equal terms with the outer world. He could not regard it as likely that interests such as Tatas and Birla would co-operate with British commercial interests if once they got into an impregnable position. Their whole object was the ultimate extrusion of British goods and British firms from India. In the interests of India he did not want that to happen. The taxable capacity of India was so small that the burden of measures of this character fell very largely on the consumer and in particular on the miserably poor peasantry, who could least afford it.

THE SECRETARY OF STATE FOR INDIA said that he disagreed entirely with the Secretary of State for War. India could not have played her part in the war or financed her social services generally without tariffs. There had been a great advance in the last few years. To prevent India from developing her own national life and economic policy would be inconsistent with our whole attitude over Indian self-government. This scheme was only part of a general scheme of progress. Opposition to it would be most short-sighted from our point of view. If we had to tell Sir A. Dalal that nothing could be done at the present time, we should make it clear that the door was not closed for ever. We should adopt a reasonably sympathetic attitude, and so avoid provoking India to adopt an unreasonable attitude and perhaps boycott British trade. Large issues were involved. Did we want India to govern herself? If so, we should be careful how we interfered with her in a matter such as this. Public opinion in India was fully behind these proposals.

THE CHANCELLOR OF THE EXCHEQUER said that we were confronted by proposals put forward as proposals desired by India. With great regret he could not believe that they were in fact desired by India, or were designed to raise the economic condition of the masses. He could understand their being put forward by Indian industrialists who wanted to get the control of India into their own hands. If they were frankly put forward on that basis, he would be quite prepared to consider them sympathetically, for he fully appreciated the desire of Indians to control the industrial development of their own country. But he was deeply uneasy at them if tested in terms of their effect on the well-being of India. The effect of their adoption on Indian social services had been mentioned. But that was not their object. There were no social services worth mentioning at the moment and the state of the masses was deplorable. From his own experience he could speak of the desire of certain elements in India to

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substitute Indian for European personnel and standards in the social services without regard for efficiency; and he felt that the present proposals were the outcome of the pressure of Indian industrialists who wanted to exclude Great Britain, and who had not studied the problems affecting the great mass of the people of India. The wiser course would be to proceed first by raising the level of the agriculturist, tackling the problem of usury, perhaps by endeavouring to revive and develop the co-operative movement. While India had views of her own, and they needed sympathetic consideration, it should be borne in mind that very strong views indeed were also held here, and the present proposals, unless handled with great care, would provoke an explosion which would be, in his view, extremely dangerous.

Apart from this, he could not see, even assuming that industrial development on a large scale was immediately necessary, what the commercial discrimination clauses had to do with a future industrialisation policy. The effect of industrial development was not dependent on the source of capital. So far as the masses of India were concerned, discrimination against the long-established British commercial interests in that country was likely to make development less rather than more efficient. He was thoroughly sympathetic to Indian national aspirations, but he did not agree with the Secretary of State for India that the commercial discrimination clauses were bad in themselves. He had been ready to see them replaced if and when India became self-governing because he thought that they would be out of place in the type of self-governing constitution we envisaged for India. But that was without prejudice to their being embodied as the result of discussion in the treaty which it was in mind in these circumstances to negotiate with India to regulate our relations with her; and their inclusion in such a treaty might well be operated to India's advantage. Nor must we overlook the position of the sterling balances. If India developed a policy of rigid exclusion of Great Britain those balances might have to be frozen indefinitely. They could only be used for the good of India if converted into goods, and those goods must in practice be British. India could benefit by the sterling balances only by bringing us more into her affairs and not by shutting us out. In his view the present scheme was misconceived from the point of view alike of India's ultimate advantage, and of her relations with this country.

THE MINISTER OF AIRCRAFT PRODUCTION accepted the force of the economic argument advanced by the Chancellor of the Exchequer. We must, however, take account of the historical and psychological background. These clauses had been put into the Act to protect British industry and not for the good of India, and we could not now convincingly base an argument for their retention on the fact that that was in India's interest. We could express our views on India's proposed solution of this problem. But we could not override India over industrialisation save to the extent that we were required to do so

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by treaty or Act of Parliament. India must be developed economically and industrially. The industrialisation that had so far taken place had increased internal productivity which must in turn increase general internal wealth. She could not raise her standards of living unless there was substantial industrialisation in the next few years. On merits it might well be that such industrialisation would more effectively be carried out by Great Britain than by India, but that would not answer the nationalist objections with which we should be faced. The Act of 1935 contemplated that when a particular stage was reached, the substance of the clauses now under discussion might be embodied in a convention which would replace them. Ought we not to take the line that we clearly could not get rid of these clauses until they were substituted by a treaty or convention when India had achieved self-government; but that if, in the meantime, a particular case were to arise in which India could show that their existence was preventing or obstructing some particular aspect of Indian industrial development, His Majesty's Government, without in any way wiping out or modifying the clauses altogether, would be prepared to consider on merits how the difficulty could be met. There was a real difference between a self-governing India and an India controlled as at present by an official Government nominated by this country, for which the final responsibility rested with Parliament; but we would not be wise even at this stage to take too rigid a line in matters such as the present. Sir Stafford Cripps laid before the Committee the terms of a formula to give effect to his proposal.

THE MINISTER OF EDUCATION remained of the view that the Indian constitutional problem needed handling as a whole. We had before us a serious issue on which there was danger in moving in advance of the establishment of a responsible Indian Government. These Sections had been deliberately inserted in the Act, and had much Parliamentary opinion behind them. They could be got round only by agreement. He felt himself that the right course would be a convention between British commercial interests in India and Indian interests, and that to the extent to which they might agree on the best interests of India, the resultant policy should be carried out. We ought to be able to get British interests in India and Indian interests together to consider India's future and find the matters on which they could agree in the industrial field. Any such discussions would have to be fully representative in character. On the whole, he supported the Minister of Aircraft Production's suggestion.

THE MINISTER OF WAR TRANSPORT said that Lord Wavell was anxious for co-operation with India in industrial development, and that it had been urged that this could be secured only by the removal of the commercial discrimination clauses now under discussion. He could not accept that view. There was a good deal of valuable co-operative work in this field between India and the United Kingdom even now. If these clauses, which were of great impor-

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tance to commerce and industry in this country, were withdrawn, that co-operation would cease or would become so one-sided as to produce an unsatisfactory position or even a deadlock.

THE SECRETARY OF THE DEPARTMENT OF OVERSEAS TRADE said that as regards industrialisation he had no fear of its going too far. While we were responsible we must not be found guilty of stopping it. There could be no reasonable suggestion that we were using the retention of these clauses to prevent industrialisation on merits; and it was undesirable that the issue should be so distorted that it could be suggested that they were being used by us as a brake. Like the Chancellor of the Exchequer, he could see no link between the anti-discrimination clauses and industrialisation. If India could prove that those clauses in fact impeded industrialisation, then would be the time to consider the matter on merits.

LORD WAVELL said that the discussion brought out the whole question of alternative policies for India. Some thought that we should go on taking a tough line, make our own decisions, carry out a paternal imperialist policy and impose our own will on India. Whether that was practical politics he did not know. It might be possible, if we had the means and the support of public opinion here, but he felt that it would be disastrous in the long run because it would result in combining the whole of India against us. The other policy was to adopt an entirely sympathetic attitude towards India. This would mean admittedly a considerable loss of efficiency and some shocks to opinion here, but in the long run it would be the best policy for us to adopt and might bring a certain change of heart in India which would be to our great advantage from every point of view. But we could not have things both ways. At present, while professing to sympathise with India's aspirations for self-government, we were opposing every concrete proposal that tended in that direction.

Much attention had been given in the discussion to the question whether industrialisation was really in the interest of the masses. There might be two views on that. He did not profess to speak as an expert economist, but historically he thought it would be found that every country which had reached a high level of civilisation had done so through industrialisation. A start had to be made. Industrial development was only part of the general scheme of progress which we had in mind for India. The proposals from the Government of India (with whose full authority Sir A. Dalal spoke) now before the Committee had behind them as representative a degree of support as was practicable in present circumstances from the Legislative Assembly, representatives of labour, the spokesmen of the Depressed Classes, etc.

The Minister of Education's suggestion that the Indian problem should be dealt with as a whole would be excellent if practicable, but, in his judgment, it was impossible at the moment in any way that he could see to solve the problem

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as a whole, or to resolve the Hindu-Muslim conflict. He still felt that his own original proposal that we should get the political leaders working together on India's problems, including the development of industry and social services, was the only real answer. He could not say positively that the Minister of Aircraft Production's proposal would meet the present case, but he was very ready to consider it.

THE SECRETARY OF STATE FOR INDIA thought that the Minister of Aircraft Production's proposal would meet the Viceroy's essential demand for a sympathetic reply to Sir A. Dalal. He himself at first sight thought that it would meet the case.

THE LORD CHANCELLOR said that this matter had made an unfortunate start with Sir A. Dalal's statement in the Legislature in a sense exactly opposed to the decision of the Executive Council, and the acceptance thereafter by the Executive Council of the position so created. For good or bad, however, that was now a thing of the past. Sir A. Dalal was now here from the Government of India with authority to do his best. When a country got self-government it must exercise it at whatever risk, and there would be no question of our endeavouring to interfere today with self-governing Australia. On the other hand, we had to keep before us in considering this matter that India was not as yet self-governing, but under the ultimate responsibility of the Parliament of Great Britain. He thought, on the whole, that the Minister of Aircraft Production's proposal, subject possibly to certain minor modifications, would meet the case and could be recommended to the Cabinet.

After further discussion *the Committee agreed* that the formula proposed by the Minister of Aircraft Production should, subject to certain amendments proposed in the course of discussion, be recommended to the War Cabinet for approval as a statement showing how far we were prepared to go for use in discussions with Sir A. Dalal, and invited the Lord Chancellor to prepare a short report to the Cabinet to this effect. The formula as finally amended runs as follows:—

> "Whereas it is not possible at this stage for His Majesty's Government to do away with Sections 111 to 121 of the Government of India Act, 1935, which must await the time when a new convention or treaty can be agreed with a representative Indian Government, if in the course of working out new schemes for industrial development in India, a course which His Majesty's Government are most anxious to encourage, the Government of India encounter any particular economic difficulties arising in special cases out of the legislation under Sections 111 to 121 of the Government of India Act, 1935, His Majesty's Government would be prepared to consider such special cases with a view to seeing whether any agreed variation could be made of the provisions of those Sections so as to obviate those particular difficulties.

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His Majesty's Government suggest that it might be helpful if discussions could be initiated by the Government of India between representatives of British industry in India and Indian industrialists with regard to their co-operation over industrial development schemes in India."

Appendix to No. 449

NOTE BY THE INDIA OFFICE

In considering the commercial safeguards question it seems desirable to keep the following distinctions in mind:—

(*a*) The Government of India's published proposals for the control and encouragement of industrial development in India summarised in paragraph 3 of I. (45) 76 are quite distinct from Sir A. Dalal's request for the repeal or drastic modification of the commercial safeguards. It is important from H.M.G.'s point of view not to allow the two to be confused in order that it may not be represented that a decision by H.M.G. not to modify the commercial safeguards has destroyed India's hopes of industrial development. Let us keep them distinct: For (1) Industrial development in India need not necessarily be only by Indians. (2) Even if it were accepted that the Government of India are entitled to aim at entrusting fresh industrial development primarily to Indians, the commercial safeguards are unlikely in practice to stand substantially in the way of that, except in one or two categories. It would of course be impossible for the Government of India without infringing the discrimination provisions to stop United Kingdom interests entirely from participating in fresh industrial development in India, but the field in which the Government of India might reasonably contend that India's interests require the exercise of discrimination is almost certainly a relatively small one; detailed discussions with Sir A. Dalal would be required if it were important to ascertain its scope. It is, however, probably the case that the repeal of Section 116 of the Government of India Act alone—that regarding subsidies—would go most of the way to meet any genuine accusation that the existence of the commercial safeguards is prejudicing the Government of India's plans to encourage industrial development by Indians.

(*b*) The Secretary of State has a constitutional right to criticize and object to the Government of India's plans for the control of industrial development on the ground that they are not in the best interests of India; but in view of the relationship which has been advisedly allowed to grow up in such matters, it would in practice be very difficult for the Secretary of State to press his view. Actually it is probable that the opposition in India to the plans that have been framed will be such as to make their implementation without substantial modification impossible. On the commercial safeguards, however, the right of

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H.M.G. to press their view cannot be questioned. So long as Sections 111–121 stand it is an obligation rather than a right.

(*c*) It seems to be accepted by the Government of India that, so long as Sections 111 to 121 remain unamended, action in the executive field whether in the Centre or the Provinces which is contrary to the purposes which, in the legislative sphere, those Sections are designed to secure, must be prevented by the intervention of the Governor General and Governors. The Government of India's published proposals for the control and encouragement of industrial development in India would provide opportunity for the exercise of discrimination: but such opportunity could in fact be exploited only in so far as the Government of India Act might be amended to permit it.

(*d*) Two sorts of Convention have been suggested for dealing with the matter:—

(1) A Convention negotiated with the present Government of India. This would require legislation amending Section 118 in order to enable the Convention envisaged in that Section to be entered into before the establishment of the Federation and presumably also modifying the requirement in that Section that the Convention must sufficiently fulfil the purposes of the Sections which it would replace.
(2) A Convention with an independent Government of India negotiating with H.M.G. as an equal, when the present Government of India Act (including the Discrimination provisions) would *ex hypothesi* have been replaced by a different Act.

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 18 *15 May 1945*

Many thanks for your letter of the 3rd May.[1] I am most grateful for the information about the course of the discussions. I gather however from a telegram which Jenkins has sent to Abell that the date of departure is still uncertain. It is not surprising that it should be difficult to take the case in Cabinet at the moment. There is, however, a fair amount of speculation in the Press here and the longer the mountain labours the more it will be expected to produce!

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2. I did not intend my remarks about publicity on the subject of Indian prisoners of war in England to be taken as in any way critical. Clearly this has been done very well and there has been quite a lot of publicity in India. All I mean is that stories of this kind are of just the type that is valuable here and we should miss no opportunity for such publicity. Auchinleck's visit to the P.O.W[?s]. is well reported today.

[Para. 3, noting Mr Amery's remarks on the future of Indian civil aviation and promising to write again on the distribution of memoranda prepared by Sir O. Caroe's Study Group; and para. 4, on the supply of wood to Toc H in Delhi, omitted.]

5. We held our Thanksgiving Services on Sunday and our parades and celebrations of victory day on Monday. In Delhi there was an impressive parade of about 5,000 troops. It was a warmish business but it went well and there were very large crowds to watch. While the critical press belittled its interest it was clearly a great attraction. In the evening I held a dinner party for members of the Executive Council and various high-ranking soldiers and civilians. Iven Mackay, the Australian High Commissioner, and the American and Chinese Commissioners also came. Apart from a slight mischance when the band struck up while the Bishop was saying grace, it was a successful party and I think the Members of Council enjoyed themselves. I wanted to do them well as they are showing some signs of feeling the suspense. We had a band of the 16th Punjabis which played in the garden and we drank His Majesty's health with musical honours, and followed up with the toast of the United Nations. I have not yet had reports from the Provinces about their celebrations but I think the day was well and truly marked. I hope to send some press cuttings with this bag.

6. Jogendra Singh and Khare have added themselves to Sultan Ahmed in suggesting the release of the Working Committee. I have told them that I will pass on their suggestions to Wavell who will no doubt see this letter, but I have not myself commented on it. I think the majority of Council would like to have the kudos of letting the Committee out if in any case their release should be decided upon as part of any settlement.

Asaf Ali is ill in Gurdaspur Sub-Jail in the Punjab. Sendak the doctor who looked after the Working Committee members in Ahmednagar says that the condition is a nervous one and that there is no danger to life, but clearly he is a sick man, and we should probably release him soon. Mudie will mention the matter in Council; he is not thought to be likely to give trouble in present circumstances.

7. I have telegraphed[2] to you about Casey's request that the holding of general elections in Bengal next winter should be announced now. Except for

[1] No. 435. [2] No. 448.

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Glancy all Governors are prepared to accept the proposal though not all of them would welcome elections in their own Provinces. The decision will no doubt wait over till Wavell comes back.

[Para. 8, on Sir P. Spens' pay; and para. 9, on the proposal of the Indian branch of an international association of writers to invite a mission of British writers to India, omitted.]

10. I have just approved a telegram from Home Department recommending certain passage concessions for officials travelling to and from the United Kingdom under the Key Leave Scheme. The problem which gives us the most trouble at every point is that of manpower, and the encouragement which these proposals will give to officers to take short leave, and, in suitable cases, to travel to and from the United Kingdom by air is, I think, of real importance. I hope you will be able to sanction the proposals very soon.

Had a letter from Julian from Chungking. I gather that he is coming home to "nurse" his constituency and I wish him the best of luck. He has done well out East and they will be sorry to lose him.

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Mr Amery to Sir J. Colville

Telegram, L/WS/1/924: f 372

IMMEDIATE INDIA OFFICE, *17 May 1945, 11.40 am*

SECRET

No. 11006. Your letter dated 5th March No. 38/4.[1] Post-war officering of the Indian Forces. Question of British officering still under discussion but in accordance with para. 4 of your letter you are authorised to announce the grant of permanent commissions to Indian officers up to 450 for Indian Army 60 for R.I.N. and 90 for R.I.A.F. I realise that 40 permanent commissions proposed for Europeans in R.I.N. are on a different footing from proposals for other Services but it is clearly undesirable to make any announcement about these until general question of European recruitment is settled.

[1] No. 297.

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Mr Amery to Sir J. Colville

L/PO/10/22

PRIVATE AND SECRET

INDIA OFFICE, *17 May 1945*
Received: 27 May

Once again Wavell's departure has had to be postponed because I could not get Winston to find time to deal with the Indian issue this week.[1] I hope, however, to get it disposed of fairly early next week, though there are rumours that a decision to break up the Government may be announced tomorrow, in which case it will be a new government which will have to decide on the work prepared by its predecessor! Whether that new government would then include myself is, of course, more than I can say, though I don't suppose Winston will want to shift people about to any extent before the election.

2. As far as I know, the liaison between Peel and the Indian Delegation, which you asked about,[2] has been working perfectly satisfactorily. We had a telegram from Peel referring to the last sentence of Menon's telegram No. 13[3] and suggesting that it might possibly be thought desirable to send instructions to the Indian Delegation not to take a different line from His Majesty's Government by urging that His Majesty's Government should set an example and furnish reports on backward areas, etc. The Colonial Office and ourselves thought, however, that it would be much better to leave the matter to Cranborne to handle in the course of his normal dealings with the Indian Delegation particularly since he had himself indicated that he would not much mind a suggestion of this sort being put forward. In general, I quite agree that it is best not to tie the Delegation too closely.

3. Anthony and Attlee have come back looking well and apparently by no means dissatisfied with their work at San Francisco. Firoz likewise has blown in and seems to have enjoyed himself. I gather his broadcast rather took the wind out of the sails of the Congress sympathisers.

[1] See Nos. 442 and 443. [2] No. 440, para. 7.

[3] This tel. reported the attitude of the Great Powers and the Dominions on trusteeship. In the last sentence of the tel. the Indian Delegation expressed its own view thus: 'The Indian Delegation is inclined to support the attitude that His Majesty's Government should set an example in this matter and at least agree to furnish reports to an International centre on such dependent and backward areas as they may choose to place under trusteeship arrangements.' On the file copy the words 'to place under trusteeship arrangements' have been crossed through. L/P&S/12/4559.

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Government of India, Home Department to all Provincial Governments and Chief Commissioners

Express Letter, Wavell Papers. Official Correspondence: India, January–December 1945, pp. 170–2

No. 44/13/45—POLL.(I.) NEW DELHI, *17 May 1945*

SUBJECT:—*Security Prisoners—Classification of—for purposes of possible release*

In our letter No. 18/13/45-Poll.(I.),[1] dated 7th April, we asked Provincial Governments to give further particulars of their non-Congress Security Prisoners in the appendices to their fortnightly reports. On reconsideration we think that this request was too indefinite and that the time has now come when it would be advisable to classify Security Prisoners not so much according to their types, as with reference to the events which will render their release possible, desirable or necessary.

2. The events we have in mind are—

(*a*) a possible, but still hypothetical, "Political settlement",
(*b*) the termination of hostilities with Japan, and
(*c*) the date thereafter on which the Restriction and Detention Ordinance (III) of 1944 will expire.

3. As regards (*c*), it is not proposed to continue the powers of detention without trial beyond the due date (which has been explained in Defence Department letter No. 2-D.C. (22)/44,[2] dated 21st September 1944). On the other hand, the present intention, pending further consideration of the action taken by His Majesty's Government in respect of Defence Regulation 18-B in the United Kingdom, is not to cancel Ordinance III as soon as the war is over (thus enabling the existing security prisoners to be held for a further period) but to ask Provincial Governments to make no fresh use of the powers after the cessation of hostilities.

4. As regards (*b*) it is our own intention—and we would ask Provincial Governments to follow the same procedure—to note on each central security prisoner's case, when it next comes up for review in the normal course, whether the individual should or should not be released immediately after the termination of hostilities with Japan. The decision in some cases will depend on the wording of the detention order. If the phrases "defence of India" or "successful prosecution of the war" alone have been used, immediate release will be necessary. All detention orders should therefore be carefully scrutinised from that point of view. Even when the wider phrases relating to "the public safety"

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and "the maintenance of public order" have been employed, immediate release may be desirable. We ourselves, for instance, would propose to release Sarat Chandra Bose and [a] number of other persons connected with the Subhas Bose conspiracy as soon as hostilities cease.

5. As regards (*a*) we do not wish it to be understood that any political settlement is imminent, but it is obvious that any settlement with the Congress Party would involve not only the removal of the ban on its Committees but also the release of those of its orthodox leaders who are still in custody. At the same time all Provincial Governments will probably agree that there will be a number of persons detained in connection with the Congress rebellion—mostly persons who combined criminal with political activities—whom it would be most unsafe to release and whom in fact it would be desirable to keep in custody as long as the law permits.

6. Various Provincial Governments will also have special problems of their own, some connected and others unconnected with political parties or movements—e.g., Terrorists and Goondas in Bengal and certain other Provinces, and Hurs in Sind. Some of these should be capable of being dealt with under existing Provincial Acts (such as the Bengal Criminal Law Amendment Act, VI of 1930); others may require special Provincial legislation to take the place, so far as necessary, of the powers that will cease to exist with the expiry of the Restriction and Detention Ordinance, III of 1944. Where special problems of this kind do not exist, Provincial Governments will have to manage without these powers in all ordinary times.

7. The immediate object of this letter is to suggest that all Provincial Governments should now classify their security prisoners according to the following categories:—

I. Gandhi-ite Congressmen most of whom *can* be released at any time, but all of whom could automatically be released as soon as a political settlement is reached with the Congress.

II. Japanese and other enemy contacts, who cannot be released before the end of the war, whether or not there is a political settlement with the Congress, but who would automatically be released as soon as the war ends.

III. Terrorists, saboteurs and other politico-criminals whom it is desirable to keep in custody as long as possible, but who, in default of other legislation, cannot be kept in custody on the expiry of Ordinance III of 1944 and whose cases would probably give rise to considerable difficulty in the event of a political settlement with the Congress.

1 and 2 Neither traced.

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IV. Other classes such as Goondas, Hurs, etc., whose case is similar to that of category III, except that their cases would probably not arise as the result of a political settlement.

We should be glad if you could adopt this classification and send us the necessary figures in a monthly secret report.[3] They should not be embodied in the appendices to the fortnightly reports, and the instructions in our letter No. 18/13/45-Poll.(I.), dated the 7th April, may be treated as cancelled.

8. The longer-term object of this letter is to suggest to those Provincial Governments who have special problems to deal with that they should begin considering at once, if they have not already done so, the kind of powers they will require and the form in which and the methods by which they will take them. It may be explained that our own inability to keep in custody after the war certain individuals who have been detained for war reasons need not deter Provincial Governments from taking further action against them for other reasons, if they consider such a course necessary. It should also be explained that this letter does not deal with persons who have been detained under Ordinance IV of 1944 by the War Department.

R. TOTTENHAM
Secy. to the Govt. of India.

[3] In tel. 1288-S of 11 August 1945, which will be printed in Vol. VI, Lord Wavell sent Lord Pethick-Lawrence details of the number of Security Prisoners still in detention at the end of July 1945 classified according to the categories suggested in this para. L/PO/10/25.

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Sir A. Clow (Assam) to Sir J. Colville (Extract)

L/P&J/5/138: ff 80–1

No. 169 *18 May 1945*

3. The great events in Europe, coupled as they were with the recapture of Rangoon and the lifting of the black-out throughout most of Assam, have made a real impression on the public mind. But the impression is far from being one of universal elation. Although the war has brought many inconveniences, and even hardships at times, to the people, it has brought a great deal of prosperity to Assam and especially to the middle classes; and there are various sections who are speculating ruefully on what lies ahead. It is realized that the days of getting rich quick out of military expenditure are drawing to a close; shopkeepers and others who have been profiteering fear a slump, there are apprehensions of a contraction of the big number of temporary posts, while all classes see the prospect of less demand for services and goods.

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4. We must expect, at the very least, a decrease in public contentment. The great influx of wealth and the keen demand for employment has been a big factor in keeping the province quiet. It is hardly too much to say that the severest hardship that some of our detenus suffered was the deprivation of the opportunity of wealth, of which those left out (including a number of Congressmen) have made such good use.

* * *

10. Talking of Pakistan,[1] he alluded to another approach made recently to him on Gandhi's behalf and the possibility of having simultaneously a separation of Pakistan and an agreement to combine in respect of defence and some other matters. I gathered that he had not yet put this before Jinnah. He also mentioned the possibility of Assam being divided, whereas Jinnah has always asked for it whole.

[1] In paras. 7–9 Sir A. Clow had given an account of a talk with Nawabzada Liaquat Ali Khan about Muslim immigration into Assam.

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Viscount Simon to Mr Churchill

R/30/1/5: ff 46–7

HOUSE OF LORDS, S.W.1, *19 May 1945*

Prime Minister

The Government of India have announced a scheme of industrialisation for India. They are apprehensive that it will not be possible to give full effect to their proposals without some modification or the repeal of the commercial discrimination provisions of the Government of India Act, 1935. They have sent their Reconstruction Member of Council, Sir A. Dalal, to this country to discuss these matters with H.M.G.

At the request of the Secretary of State for India the India Committee have considered the position. I attach their report[1] to the War Cabinet. Their conclusions are set out in paragraph 17 on page 6.

The principal difficulty which I and most of the Committee feel is that the Act of 1935 (as you will well remember) was carried partly on assurances to British firms interested in Indian trade that there would be no discrimination against them by subsidy or otherwise while the Act was operating. There is a whole section of the Act of 1935 (Clauses 111 to 121) providing a satisfactory assurance to this effect, yet the Indian Government now wants this protection to be repealed.

SIMON

[1] No. 456.

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War Cabinet Paper W.P.(45)317

L/E/8/3821: ff 308–12

India: Industrialisation and Commercial Discrimination

REPORT BY THE INDIA COMMITTEE

19 May 1945

At the request of the Secretary of State for India we have had under consideration[1] the line to be taken in dealing with certain proposals which have been received from the Government of India bearing on the Commercial Discrimination provisions of the Government of India Act, 1935.

2. The matter has arisen consequent on consideration given in India to the arrangements to be made for the post-war development of Indian industry. The Government of India have it in mind to take far-reaching steps, summarised in Appendix A to this Report, to encourage the rapid industrialisation of India with State assistance and under State control.

3. Sir A. Dalal, who is the member of the Governor-General's Executive Council for Planning and Development, is of opinion that effect cannot be given to these arrangements consistently with the commercial discrimination provisions of the Government of India Act, 1935, and he has proceeded to this country at the request of the Government of India in order, *inter alia*, to discuss the matter and to see what steps can be taken to surmount the difficulties which he anticipates. The proposals which he wishes His Majesty's Government to consider are set out in the Acting Viceroy's telegram 748–S of the 25th April which is attached as Appendix B to this Report.

The Background

4. The War Cabinet will remember that the provisions included in Sections 111 to 121 of the Government of India Act, 1935 (a summary of which is appended to this Report as Appendix C), were the subject of close and anxious consideration when the Government of India Bill was before Parliament. There was great apprehension on the part of commercial interests in this country and of British commercial interests in India as to the possibility of discrimination to their disadvantage. In the outcome specific guarantees were given to British commerce that its position would be effectively safeguarded. The provisions of Chapter III of Part V of the Act of 1935—"Provisions with respect to Discrimination, &c." Sections 111 to 121—were designed for that purpose. It was on that understanding that difficulties that might otherwise have arisen in connection with the passing into law of the Government of India Bill were surmounted.

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5. Those provisions have since been in operation. So far as the central Government of India is concerned, Part II of the Act of 1935 not yet having been introduced, the special responsibility which under Federation would be vested in the Governor-General under Section 12 (1) (*e*) of the Act has not come into being. But the Governor-General has power to intervene under the provisions contained in the Ninth Schedule to the Act if in his view the interests of British India are essentially affected. He can also, under Section 314 (1) of the Act, invoke the Secretary of State's direction. In the case of the provinces, any infringement of the provisions now under discussion would attract the special responsibilities of the Governors under Section 52 of the Act. Whether in the Centre or in the Provinces, legislation or executive action in contravention of the provisions of the Act would therefore call for intervention by the Governor-General or the Governor as the case might be.

6. We are informed by the Secretary of State that in the course of a debate in the Indian Legislative Assembly on the 2nd March, 1945, on a motion to recommend the repeal of the Sections in question, the present member of the Governor-General's Council for Planning and Development, Sir A. Dalal, undertook "ostensibly by inadvertence, since his undertaking was directly contrary to a previous decision by the Executive Council as to the line to be taken in the debate," that the Government of India would enter into negotiations with His Majesty's Government "for the modification of the commercial discrimination provisions of the Act of 1935," and that the results would be reported to the Indian Legislative Assembly. The proposals summarised in Appendix A to this Report have since been embodied in a public statement, issued by the Government of India without prior reference to His Majesty's Government, and designed to explain to the public in India the steps they had in mind to encourage the rapid industrialisation of the country. They have inevitably attracted great attention, and it is against the background of Sir A. Dalal's statement in the Legislative Assembly and of the subsequent publication of these proposals that the matter has now to be viewed.

7. The India Committee have examined the resultant situation with the assistance of the Minister of War Transport, and of the Secretary of the Department of Overseas Trade, representing the President of the Board of Trade. They have also had the advantage of discussion with Lord Wavell.

The Secretary of State for India's proposals

8. The Committee have had before them papers by the Secretary of State for India in which the Secretary of State has made the following proposals:—

(*a*) As a first step Sir A. Dalal should be asked to discuss the matter with a body of officials drawn from the India Office, the Board of Trade and

[1] Nos. 438 and 449.

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the Treasury, assisted by the Legal Adviser to the Secretary of State for India. This body should clarify the issues with Sir A. Dalal and report back to the India Committee, but should have no authority to enter into commitments with him.

(*b*) A decision as to how far His Majesty's Government might be ready to go should be taken for the confidential guidance of the proposed body of officials, but not for communication to Sir A. Dalal.

(*c*) The Secretary of State advised us that his own view was "that the simplest and wisest course would be the complete repeal of the commercial safeguards. We shall have to drop them in the end, and now that the issue has been raised it is bound to be inflamed by our opposition, with consequences that can only harm British industry, which is not in fact expecting the support of these provisions, and is not likely to thank us for exposing them to agitation and possibly boycott."

(*d*) Failing a decision to agree to complete repeal, the Secretary of State proposed that His Majesty's Government might—

(i) agree to introduce legislation repealing Section 116 of the Government of India Act (the substance of which is contained in Appendix C);

(ii) make it clear to Sir A. Dalal that so long as the commercial safeguards in general remain we cannot shut our eyes to flagrant action in the executive field contrary to their purpose; and

(iii) express readiness (subject to (ii) above), to consider individual cases on their merits, and on certain understandings to undertake in suitable cases to seek to exercise our influence with particular United Kingdom interests with a view to preventing them from pursuing their plans to participate in India's industrial development in a manner calculated to exacerbate Indian opinion.

Lord Wavell in his representations to us has also strongly urged the importance of giving a sympathetic hearing to the Government of India's proposals and of meeting them so far as possible.

9. The India Committee have given full consideration to this matter.

Arguments in favour of the Government of India's proposals

10. In favour of action on the lines suggested by the Government of India, the following considerations have been advanced:—

(1) Opposition on the part of His Majesty's Government to action on the lines now proposed, may, given the publicity which it has received, have most unhappy effects politically, both in India and internationally. His Majesty's Government should avoid any suggestion that in the policy they propose to adopt they have been guided by consideration of the

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interests of this country rather than the interests of India. A decision which could be represented, however unjustly, as holding up the industrial development of India, and preventing the provision by an Indianised Government of India of State assistance to that end, under a measure of State control, would be gravely damaging to us in the eyes of the world.

(2) It has been our general policy for many years past to give India an increasingly free hand in matters affecting her own economy. The fiscal convention of 1921 provided that where the Governor-General in Council and the Legislature were in agreement His Majesty's Government in the United Kingdom would not interfere. The spirit of that convention has, we are advised by the Secretary of State, in practice been applied outside its particular scope, and we have tended to refrain from interference with the economic policy of the Government of India save where any challenge to the terms of the governing legislation was involved, although we have made representations when United Kingdom interests are affected. It would be inconsistent with the general trend of that policy to place obstacles in the way of action on the lines now proposed by the Government of India for the development of Indian industry.

(3) While it may be that the proposals for the development of Indian industry now put forward have been formulated without consultation with His Majesty's Government, and have been published without their approval, they should, it is argued, be regarded as being a direct and natural result of the authority given by the Cabinet to the present Viceroy on his appointment in October 1943 to examine in what manner the economic development of India could best be forwarded. It would be the more difficult for His Majesty's Government, having given an authority of that character to Lord Wavell, to refuse now to consider its outcome, even though this should involve, as suggested by the Government of India, the repeal of the commercial safeguards.

(4) The commercial safeguards have, it is said, always been bitterly resented in India. We are committed to their ultimate abolition by the Minister of Aircraft Production's statement in India in 1942 that their maintenance would not be a condition of His Majesty's Government's acceptance of a new Indian Constitution agreed among Indians; and by the Duke of Devonshire's subsequent statement in the House of Lords on the 30th July, 1942, that we hoped that the matter would be dealt with by discussion between His Majesty's Government and the future Government of India negotiating with each other as equal partners. It is very desirable in these circumstances to avoid a first-class controversy which might do our post-war trading prospects in India more harm than good, and reduce the chances of satisfactory arrangements on a treaty basis being concluded with a future India Government.

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(5) Currently accepted ideas as to the function of the State in industrial development have greatly changed since the Government of India Act was passed, and it is not reasonable that the financial assistance which the Government of India now propose to give to Indian industrial initiative should also be available to United Kingdom interests.

(6) The commercial discrimination proposals of the Act of 1935 were designed to safeguard British commercial interests in India. Whatever doubts may be felt as to the wisdom of the industrialisation proposals now put forward by the Government of India, we could not plausibly justify the retention of the commercial discrimination clauses, if they were shown to make that industrialisation impossible, on the ground that it was not in the interest of the Indian masses.

(7) Although Indian legislation to implement the Government of India's plans for the industrial development of India would probably not in itself be discriminatory and would consequently not be affected by the Government of India Act, 1935, this Indian legislation could not be used in the case of at least some industries, to benefit Indian interests only, without executive action discriminating against United Kingdom interests. This could not be allowed unless Sections 111 to 118 of the Act of 1935 had previously been modified.

Arguments against the Government of India's proposals

11. On the other hand, substantial arguments have been advanced against the repeal or drastic modification of the commercial safeguards, and indeed against the scheme of industrialisation proposed by the Government of India; and we set them out as follows:—

(1) Issues of grave importance are involved in any proposal to abolish or to modify the commercial safeguards contained in the Act of 1935. Those safeguards were an essential feature of the Act of 1935. The statements made by the Minister of Aircraft Production and the Parliamentary Under-Secretary of State for India in 1942 as to our readiness to see them modified or abolished were made on the assumption that any modification would be consequential on, or at any rate preceded by, the establishment of self-government in India. Until that condition has been satisfied there can be no justification for asking United Kingdom interests to abandon the protection which they now enjoy in advance of a general settlement of India's future. Their abandonment without the previous conclusion of a satisfactory commercial agreement would make it legally possible for the Governments in India, before they undertake the responsibilities and obligations of full self-government, to adopt measures calculated to drive existing United Kingdom enterprises in India completely out of business.

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(2) The Minister of War Transport, and the Secretary of the Department of Overseas Trade, speaking on behalf of the President of the Board of Trade, contest the suggestion that this is a matter of slight concern to British commercial interests, or that those interests have for practical purposes discounted the safeguarding provisions of the Act of 1935 in the negotiations in which they have recently been engaged with Indian business. They regard the maintenance of these safeguards as a matter of great importance to United Kingdom trade.

(3) Is it desirable to abandon those safeguards for British commerce just when we are moving into a post-war period in which this country will have to face economic conditions of the utmost difficulty? Ought they to be sacrificed at a time when we owe an immense sterling debt to India, which even if materially scaled down can be paid only if we can increase our exports, and particularly our hidden exports?

(4) Are the industrialisation proposals of the Government of India in the interest of India as a whole, or do they not represent a yielding to pressure from great industrial interests in that country which are unfriendly to the British connection, and indifferent to the welfare of the Indian cultivator? Ought not the improvement of Indian agriculture, and the increase of the purchasing power of the ryot, to precede extensive industrialisation?

(5) Is it in fact the case that the repeal of the commercial discrimination provisions of the Act of 1935 is essential to India's industrial development, or even to the particular industrialisation proposals now published by the Government of India? Is there in fact any necessary connection between industrialisation and discrimination? If not, is there not justification for feeling that in pressing for the repeal of the safeguards the Government of India have allowed themselves to be made the victims of interests concerned to secure their private advantage rather than that of India?

(6) Proposals for the repeal of the safeguards come at a particularly unfortunate moment, when great endeavours are being made to interest British firms in the possibilities of India, and to secure their friendly co-operation in her economic development and the training of her nationals. Suggestions designed, or appearing, to cut the ground from under existing British commercial interests in India cannot but be an obstacle to these efforts.

Views of the India Committee

12. The situation with which we are faced is a difficult one, and will need careful handling if His Majesty's Government are to avoid damaging misrepresentation of their attitude. This is especially the case in view of the great

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publicity which has been given to the Government of India's proposals for further industrialisation, and to the case for the abolition of the commercial safeguards.

Government of India's proposals for industrialisation

13. We deal first with the Government of India's *proposals for further industrialisation*. We are in no sense hostile to India's economic development: indeed, we welcome any steps that can properly be taken to encourage and foster it. But the majority of us consider that those proposals are not in the interests of the Indian masses, and would merely entrench Indian "big business" in a position of monopoly; and that they are misconceived and unlikely to be to the ultimate advantage of India. At the same time, the Secretary of State for India and the Governor-General have strongly represented to us that in view of the relationship which has advisedly been allowed to grow up between His Majesty's Government and the Government of India in economic matters, it would be very difficult to press an objection to these proposals on such grounds, and, though with some misgiving, we accept that view. Actually it is probable that the opposition to them in India will make their implementation without substantial modifications impossible.

Government of India's proposal for abolition of the commercial safeguards

14. We turn next to the Government of India's proposal for the *abolition of the commercial safeguards* of the Act of 1935. Sir A. Dalal, who was recently a director of Tatas, and was one of the sponsors of the so-called Bombay Plan, and who, as explained in paragraph 6 above, has committed the Government of India publicly to discussing this matter with His Majesty's Government, has now arrived in this country for that purpose. Refusal even to discuss this matter will almost certainly be misrepresented to our disadvantage, and we ought to try to prevent a situation arising in which we can be accused of having sacrificed the interests of India to the interests of British industrialists.

On the other hand, we are deeply impressed by the objections set out in paragraph 11 above to abolishing the protection accorded by and under the Act of 1935 to United Kingdom commercial interests in India against discriminatory treatment. If and when India achieves self-government, we readily agree that it would be appropriate that commercial relations between her and this country should be reviewed and settled by treaty. But a convention negotiated, on equal terms, with a self-governing and representative Government of India would be negotiated in circumstances in which this country could protect its own interests without exposing itself to the charge that it was taking advantage of its position as a trustee. It would not be open to the objection which would lie to any convention negotiated now, that it was negotiated with a Government of India technically official in character, not responsible to

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an elected Legislature, nominated by the Crown on the recommendation of the Viceroy, and open to the suggestion in a matter such as this that it was a puppet Government which had taken its orders in a matter of direct concern to the United Kingdom and the Empire from His Majesty's Government in the United Kingdom. (The Act of 1935 makes provision (Section 118—see Appendix C) for the negotiation after the establishment of Federation of a commercial convention which would replace the commercial discrimination provisions. But in the circumstances envisaged in Section 118 this would not be a freely negotiated convention, but would have to reproduce in fact substantially the provisions of the Act which it is contemplated to replace.)

15. We are clear, after full discussion, that there can be no question, in present circumstances, of any repeal of the commercial discrimination provisions of the Government of India Act and that this should be made clear to Sir A. Dalal. At the same time, we think it important not to give the Government of India a grievance on the ground that they have not been allowed to argue their case and that they have been faced *in limine* by a refusal even to consider the obstacles which the commercial safeguards in their view oppose to their plans for industrial development. We think in the outcome that the situation could best be dealt with on the basis of the formula set out in paragraph 16 below, which we recommend for the approval of the War Cabinet. That formula, on the one hand, makes it clear that no question arises in the present circumstances of the repeal of the commercial safeguards. On the other hand, it gives the Government of India a sufficient assurance of our readiness to consider with sympathy any practical difficulties of an economic character in implementing their plans for the industrial development of India that the safeguards can be shown to present.

16. The formula which we recommend for adoption as a basis for any discussions with Sir A. Dalal is as follows:—

"Whereas it is not possible at this stage for His Majesty's Government to do away with Sections 111 to 121 of the Government of India Act, 1935, which must await the time when a new convention or treaty can be agreed with a representative Indian Government, if in the course of working out new schemes for industrial development in India, the Government of India encounter any particular economic difficulties arising in special cases out of the legislation under Sections 111 to 121 of the Government of India Act, 1935, His Majesty's Government would be prepared to consider such special cases with a view to seeing whether any agreed variation could be made of the provisions of those Sections so as to obviate those particular difficulties.

His Majesty's Government suggest that it might be helpful if discussions could be initiated by the Government of India between representatives of

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British industry in India and Indian industrialists with regard to their co-operation over industrial development schemes in India."

17. *Summary of Recommendations*

(1) While we feel doubts about the soundness of the Government of India's proposals for industrialisation, we do not think that His Majesty's Government can wisely reject them lock, stock and barrel. (Paragraph 13.)

(2) We are clear that there can be no question, in present circumstances, of any repeal of the commercial discrimination provisions of the Government of India Act, and we are of opinion that this should be made clear to Sir A. Dalal. (Paragraph 15.)

(3) We recommend that Sir A. Dalal should be dealt with on the basis of paragraph 16 of our Report.

(4) We consider that there would be advantage in discussions on this subject with Sir A. Dalal taking place at the Ministerial and not at the official level.

The Secretary of State for War agrees with No. (2) of our recommendations and has no strong views about No. (4). He is not in agreement with Nos. (1) or (3).

Signed on behalf of the Committee,

SIMON,

Acting Chairman.

Appendix A to No. 456

[*There follows the text of para. 3 and of the Annex to No. 434*]

Appendix B to No. 456

[*There follows the text of the Annex to No. 418*]

Appendix C to No. 456

[*There follows the text of the Annex to No. 336*]

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Mr Churchill to Viscount Simon and Mr Amery

R/30/1/5: f 45

20 May 1945

Prime Minister's Personal Minute: Serial No. M.502/5

Reference: Minute from the Lord Chancellor dated 19.5.45[1] enclosing W.P. (45) 317[2]—"India: Industrialisation and Commercial Discrimination"

Lord Chancellor,
Secretary of State for India.
This matter must be held in abeyance for the present. I cannot introduce any further legislation until we know whether a General Election will take place ending the Parliament.

W. S. C.

[1] No. 455. [2] No. 456.

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET VICEREGAL LODGE, SIMLA, *22 May 1945*

No. 19.

Many thanks for your letter of the 10th May[1] written just after V-Day. The accounts in the press of the crowds outside Buckingham Palace and in Whitehall were most moving and made me feel quite homesick! We heard both the King's and the Prime Minister's broadcasts which came through excellently.

2. As Wavell seems unlikely to be back before the 28th or the 29th I have come up here for a week and it is very pleasant and cool after a warmish spell in Delhi. A number of the Council members are here and I shall hold one routine Council meeting up here with those Members that are present and shall be back in Delhi for another meeting on the 30th in case Wavell has not arrived.

3. Your latest news about wheat imports sounds encouraging and we have gone as far as we possibly can to meet you about ground-nuts in our reply.[2]

[1] No. 446.

[2] In tel. 320 of 18 May, Mr Amery informed Sir J. Colville that the War Cabinet had that day decided to supply India with 100,000 tons of wheat per month for six months. This was on condition that the Govt of India would supply Ceylon with 25,000 further tons of rice and the U.K. with 200,000 further tons of ground-nuts. After further discussions with Mr Amery on the amounts of rice and ground-nuts India was asked to supply, Sir J. Colville accepted the War Cabinet's terms in full in his tel. 934-S of 31 May. L/E/8/3327.

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It will relieve a great anxiety if we can be sure of 100,000 tons of wheat per month for six months and we shall have every reason to be grateful to you for pressing our case so effectively.

4. I have sent you for your amusement a copy of the Bombay paper *Matrubhumi* containing an alleged facsimile of a letter from you to Jinnah. You will see that it is an obvious forgery. The newspaper has issued an abject apology. I think there is little doubt that the editor was taken in but he should of course have sought confirmation of the genuineness of the correspondence. I do not think there is any need to take any action against the editor though it is possible that Jinnah may wish to do so.

5. You have no doubt seen Abell's telegram[3] to Turnbull about Zafrulla's journey to the United Kingdom. It is strongly suspected here that he has gone for political purposes and both Spens and I are annoyed with him. Abell has sent to Turnbull a copy of a letter[4] from Spens to the Registrar of the Federal Court which shows that Spens was taken by surprise. I have had enquiries made about his priority air passage and find that he obtained it on the certificate of the Punjab Medical Board; it is of course true that he has diabetes. Although Zafrulla spoke as a nationalist when he was last in London and obtained a good deal of applause from the nationalist press out here, I suppose that he and Firoz may both have gone to London in the hope of preventing any constitutional proposals being accepted which might be unwelcome to them.

[Para. 6, on the future of Indian civil aviation; para. 7, on the proposed visit to India of an U.N.R.R.A. mission; and para. 8, on securing publicity for memoranda prepared by the Study Group chaired by Sir O. Caroe, omitted.]

9. I have just received your telegram No. 319[5] of 19th May about Firoz's departure from San Francisco. This explains the situation and makes it clear that Firoz's intention was known in London beforehand. I must admit however that I am not entirely mollified! I think the Government of India should have been informed, as I have been put in a somewhat awkward situation with Council. I am having a Council meeting tomorrow and will inform them of what has happened. There may be some questions as Firoz's movements are followed with keen interest.

I have just received a splendid report of the work done at India House for the Indian Comforts Fund, also a copy of Mrs. Amery's most encouraging letter of 1st May to the workers. A fine achievement.

3 and 4 Not traced in India Office Records.

5 In tel. 865-S of 17 May, Sir J. Colville complained to Mr Amery that he and the Govt of India had been given no prior notice that Sir Firoz Khan Noon was returning to London from San Francisco. In tel. 319, Mr Amery said that Sir Firoz had told Lord Wavell of his intention to return early before leaving India and that Sir Ramaswami Mudaliar had reported on 12 May he had no objection as there only remained the question of voting in committees. L/E/9/1525.

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Mr Amery to Mr Churchill

L/PO/6/108c: f 8

SECRET INDIA OFFICE, S.W.1, *23 May 1945*
PERSONAL

Secretary of State's Minute: Serial No. P.18/45

Prime Minister

It is becoming really very urgent that the Viceroy shall know where he stands and get back to India and that I should be able to make a statement in the House as soon as possible. The statement agreed by the India Committee as the best possible if anything is to be done at all would at once put an end to any attempt by the Socialist Party to make capital against us over India—Attlee and Cripps would have to bless it in the House—and would be a bull point in our own programme. As it is, Professor Laski has already been making all the mischief he can at Blackpool, where the India League has been holding its session alongside the Labour Party Conference. We are certain to be pressed for a statement on India as soon as the House meets, and only the announcement of an early day will prevent Attlee and Cripps, with their knowledge of the situation, probing the matter in the most embarrassing fashion in the House and, if no statement is forthcoming, then making all the trouble they can in the country afterwards.

L. S. AMERY

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Field Marshal Viscount Wavell to Mr Churchill

R/30/1/5: f 35

PERSONAL INDIA OFFICE, *24 May 1945*

My dear Prime Minister,

I hate to have to add to your many other preoccupations at this time; but I feel that I must point out to you that I have now been eight weeks in London endeavouring to obtain from H.M.G. a decision on my proposals for future policy in India. As I had submitted the outline of my proposals to the Cabinet nearly six months before I came home, I feel that I was entitled to hope for a speedy decision, and I expected not to be absent from India for more than three weeks.

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I have had meetings with the India Committee of the Cabinet on five occasions, on March 26,[1] March 27,[2] April 5,[3] April 18[4] and April 23.[5] Since this last date, more than one month ago, I have had no official communication with the India Committee or the Cabinet on this question, although I understand that a Cabinet meeting has been held to discuss the report of the India Committee on my proposals. I have had no communication from yourself since you saw me shortly after my arrival home.

Whatever the decision now taken, my task in India has been made more difficult by the long delay in consideration here. I have waited long and patiently without pressing you, since I knew the strain to which you were subjected. But I feel that I must now ask you personally for some indication of when I shall be given a decision on policy. The atmosphere in India will not improve with delay; and the strain on myself of being kept waiting in this way and of feeling that my views are of little weight with H.M.G. is considerable.

I have written frankly to you, as I have always done; it has not been easy, and I have refrained for some time; but I think it is now right that you should know how I feel.

Yours sincerely,
WAVELL

[1] No. 339. [2] No. 345. [3] No. 375. [4] No. 396. [5] No. 405, Part II.

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Mr Amery to Mr Eden

L/PO/6/108c: f 6

INDIA OFFICE, *24 May 1945*

My dear Anthony,

I understand that Wavell is seeing you this evening and will probably raise the question of his own timetable in connection with a Parliamentary statement here.

It is very important that his present Executive should be consulted about the proposed changes and not merely informed at the last minute. That was done last time, and created much ill-feeling and unsettlement. We don't want that to happen this time, especially as Wavell may have to carry on with the same team if the politicians are not prepared to come together and work our proposals.

That being so, there ought to be at any rate enough time for him to discuss the matter with his Council and to transmit their views to the Cabinet in case

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there is anything arising out of them that might induce the Cabinet to make some minor modifications, and at any rate show that it has taken the views of the Council into account. When this has been done it will also be very desirable for Wavell to give the big Princes at any rate a couple of days' notice of what is proposed.

In other words, Wavell would like to have, if possible, at least eight days in India before the statement is made. Add to that three days for flying out and we are therefore in the position that the Cabinet ought to come to a final decision say eleven days before the statement. It would be, therefore, much the most convenient thing if the statement and debate on it could take place in the last week of the session, i.e., Monday, the 12th, or one of the following days. If that were impossible and it had to be Friday the 8th, that would mean Wavell's leaving by the middle of next week at the latest and would mean rushing him off very suddenly after all the weeks that he has been kept in suspense. Incidentally, Lady Wavell is at this moment in bed with a temperature, so that it would be, from every point of view, most convenient if Wavell did not have to leave till, say, Friday of next week.

Wardlaw-Milne has a question for Tuesday asking me whether I have any statement to make regarding the conversations with the Viceroy. It would be really awkward if I had to answer evasively and it would from all points of view be better if I could say that there would be a statement and that you would announce the date when you came to announcing Business later in the week.

You may have noticed that Bevin made a good deal of play with India in his speech at Blackpool. I have no doubt that, if we do not make our statement of policy now, that will be used against us a good deal at the election, and our candidates will not know in the least where they stand and many of them may say the wrong thing. On the other hand, if we make the statement now, Bevin & Co. can only bless us and we as a Party will get the credit or at the very least escape criticism.

Yours ever,

L. S. AMERY

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Note by Field Marshal Viscount Wavell

Wavell Papers. Notes of Important Interviews, 1944–7, p. 50

HIS EXCELLENCY'S INTERVIEW WITH MR. G. D. BIRLA ON 24TH MAY 1945

Mr. Birla came to see me this morning and I had an interview with him of about 40 minutes. He began by saying that he had had a comfortable journey home, and that his first impression of his reception by the business people he had seen in London was very favourable.

He then went on to talk about politics. In describing the general feeling in India, he spoke of the attitude of "the man in the street"; I said that this was a new one on me, I had never heard the expression used with reference to India, and did not think that it could well be applied to Indian conditions; and it turned out that what he really meant was the opinion of the educated Hindu. He said that there was a better atmosphere for a settlement than for some time past. He said that whatever had happened in the past, it was necessary to recognise the prestige and influence of Gandhi and to bring him into any settlement that was made; he claimed that Gandhi was not anti-British and was capable of compromise; I said that his past record did not exhibit these qualities in any marked way. Birla referred to my correspondence with Gandhi[1] and said that while he recognised that I could not have written in any other way, Gandhi's reply could not have been otherwise and was not really meant to show an uncompromising spirit. Birla was obviously alarmed at the possibility of Nehru's dominance in the Congress party, and spoke slightingly of him.

He said that what was wanted in India was a Government which would devote itself to the economic problems of India for the next five years without concerning itself too much with the constitutional question. He said that such a Government should be an All-Party Government, should include men selected for their administrative ability and honesty rather than their political opinions, and should have a "rightish" tendency. He thought there was considerable danger of ignorant Communism in India, especially if Great Britain or America had disagreement with Russia. He obviously wished to have a finger in the political pie, and suggested that he should cut short his tour and come back to India if his influence could be of any value in a political settlement. I told him that it would be much better for him to carry on with his industrial contacts.

He ended by complaining about the policy of the Government of India in the control of Industry.

[1] See Vol. IV, Nos. 539, 544, 584, 597, 614 and 659.

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Mr Amery to Sir J. Colville

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *24 May 1945*
Received: 30 May

Here I am in a state of suspended animation, still Secretary of State so far as I continue to keep the Seals, but not member of any existing Government. I imagine, however, that I shall be kept on here until after the election when Winston or the electorate will decide who is to occupy my chair.

2. I am very hopeful that Winston will decide to let the Statement on India Policy be made before the dissolution and so avoid India being in any sense an issue at the election itself. I quite realise the importance of giving the Council a fair chance of discussing the new policy and laying their views before the Cabinet before the Statement is actually made. This means that Wavell ought to be back in India a week if possible before the Statement. As Parliament is to dissolve on the 15th, that doesn't leave much time. I must try and find out from Eden whether he could arrange for the Statement to be made in the last week of the Session, for if it had to be made as early as Friday the 8th that would give Wavell very little time and be rushing him out unduly after all the weeks he has spent hanging about here waiting for a decision.

3. I am sure that the best appeal to the Council lies in their Indian patriotism and their willingness to promote a definite advance on India's part towards the complete control of her own affairs. If that means leaving office for them as individuals that will after all be no worse than what normally happens in a democratic country when Governments change, and they should do so, one would hope, in the belief that in one way or another most of them will have an opportunity of public service again. I don't think any of them can suggest any other forward step at this moment which has the slightest chance of being considered seriously. Any kind of Constitutional Conference would break down at the outset by Jinnah's insisting on Pakistan as a pre-requisite, while an imposed constitution is equally out of the question as we are not prepared either to impose a United India on the Moslems or a divided India on the Hindus. Progress under the existing constitution, leaving the ultimate solution in abeyance, is clearly the only practical course.

[Para. 4, on the question whether the arrangements for granting air passages in India should be tightened up, omitted.]

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Mr Amery to Mr Churchill

L/E/8/3821: ff 305–7

INDIA OFFICE, *26 May 1945*

Secretary of State's Minute: Serial No. P.19/45

Prime Minister

1. Your Minute No. M.502/5[1] of 20th May.

2. The India Committee's Report does not contemplate that there should be any legislation—at any rate for some time.

3. Sir Ardeshir Dalal has been sent here by the Government of India to discuss with the appropriate authorities here various matters connected with that Government's plans for post-war reconstruction and industrialisation, and incidentally the possibility of abolishing or modifying the commercial safeguards in the Government of India Act. We must give him some reply on this last point.

4. The India Committee recommend (the Secretary of State for War dissenting) that he should be dealt with on the lines indicated in paragraph 16 of W.P. (45) 317,[2] i.e. that he should be told that we are not prepared at this stage to do away with the commercial safeguards but that if in the course of working out schemes for industrial development in India it is found in special cases that particular difficulties arise out of these safeguards, we shall be prepared to consider those cases with a view to seeing whether any agreed variation of the Act could be made to obviate the difficulties. It would only be in the light of such agreement that the question of legislation would arise.

5. While we clearly cannot do away with the provisions as a whole, there may be a case in modern conditions for modifying them to some extent in regard to such matters as subsidies. It does not seem reasonable that the Government of India should for example be prevented from subsidising particular Indian firms which it is desirable to develop unless they also subsidise large international corporations operating in India in the same field which are in no need of subsidy. If in due course it is found that in certain instances this position arises we ought to be ready to consider the matter.

6. I hope you will agree to the Committee's report being taken in the Cabinet soon after the new Government is formed. The Lord Chancellor, to whom I have spoken, also feels that the matter is urgent in view of the presence of Dalal and Wavell in this country.

L. S. AMERY

[1] No. 457. [2] No. 456.

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Mr Churchill to Field Marshal Viscount Wavell

L/PO/6/108c: f 4

10 DOWNING STREET, *28 May 1945*

My dear Wavell,

Thank you very much for your letter.[1] As you know, I did not consider that your visit to this country was necessary at the present time, but as you wanted to come and discuss matters here every effort has been made to meet your wishes. A proposal has been put forward by the India Committee which now awaits the decision of the Cabinet.

The reconstruction of this Government and the events which have taken place and are now in prospect have greatly absorbed the attention of Ministers. But I should hope to let you have a decision by the end of the coming week.

Yours sincerely,

WINSTON S. CHURCHILL

[1] No. 460.

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Mr Churchill to Sir E. Bridges

L/PO/6/108c: f 3

28 May 1945

Prime Minister's Personal Minute: Serial No. C.41/5

Ref: Lord Wavell's letter of 24.5.45[1] asking for a decision on his proposals for future policy in India

Sir Edward Bridges

This must be the subject of a discussion at the first meeting of the Cabinet on Wednesday morning at 11.30, when many other matters of importance will need attention. The members of the India Committee not in the Cabinet should be invited to attend "on advice". Lord Wavell should not be invited but should be informed that the matter will be decided in the course of the week.

W.S.C.

[1] No. 460.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/6/108d: f 214

INDIA OFFICE, *29 May 1945*

My dear Archie,

I gave some more time last night to considering your draft[1] and now enclose[2] such suggestions as have occurred to me. They are substantially the same as I made yesterday, but with one or two additions and some suggestions for re-arrangement which incidentally would, I think, make your present paragraph 4 superfluous. Some of the first part of it is already in any case a duplication of what you have said before and I think the last sentence might be regarded as covered by the invitation to the leaders to take counsel with you. The exact constitutional position is of course covered in the official statement.

My main anxiety is still in connection with the release of the Congress Committee. It seems to me that Gandhi is almost certain to make that a preliminary condition of any discussion and in that case I don't see very well how you can hold out. Once you have yielded on that point you would be in a weaker position for holding your ground on other issues. It seems to me that the choice really rather lies between either releasing them unconditionally for the purpose of consultation with Gandhi, or suggesting to Gandhi that he can enter into consultation with them, either personally or by emissary, wherever they are, and then say that you would release them unconditionally if they were prepared to give at any rate a favourable consideration to your proposals. Obviously you cannot ask them definitely to accept those proposals beforehand, but you might get from them a willingness to consider.

I quite agree that there is the danger of the Committee then reconstituting itself and behind the scenes negotiating as a body. On the other hand, the offer we are making is so good, and public opinion, I fancy, so likely to endorse it, that they would put themselves grievously in the wrong if they now rejected it.

I am not sure whether releasing the Congress Committee need necessarily affect your deciding that the remaining Congress detenus should be left to the discretion of the Governments concerned.

Anyhow, we must have another talk about it before you leave. I gather that the day for the statement in Parliament is definitely fixed as Wednesday, the 13th.

Yours ever,

L. S. AMERY

[1] Lord Wavell's draft broadcast in the form in which it is believed to have been read to the India Committee on 31 May (see No. 474) is printed as No. 473.

[2] The Enclosures are not printed.

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Mr Churchill to Mr Amery

L/E/8/3821: f 304

10 DOWNING STREET, WHITEHALL, *30 May 1945*

Reference: Minute from Secretary of State for India, Serial No. P.19/45[1]

S. of S.

No action or negotiation until the election has shown which party is in power.

W.S.C.[2]

[1] No. 464. [2] Mr Turnbull minuted: 'N.B. Recorded prior to Cabinet discussion.'

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Cabinet C.M. (45) 1st Conclusions, Minutes 1 and 2

Those present at this Meeting held at 10 Downing Street, S.W.1, on 30 May 1945 at 11.30 am were: Mr Churchill (in the Chair), Mr Anthony Eden, Sir John Anderson, Lord Woolton, Lord Beaverbrook, Mr Oliver Lyttelton, Mr R. A. Butler, Sir Donald Somervell, Mr Amery, Colonel Oliver Stanley, Mr Brendan Bracken, Sir James Grigg, Mr Harold Macmillan, the Earl of Rosebery, Mr R. S. Hudson

Also present during discussion of items 1 and 2 were: Viscount Simon, Sir David Maxwell-Fyfe

INDIA

R/30/1/5: ff 31–2

Constitutional Position

(Previous Reference: W.M. (45) 56th Conclusions)[1]

1. The Cabinet had before them a Report by the India Committee (W.P. (45) 274)[2] on the constitutional position in India, to which was appended the draft of a statement which, subject to the approval of the Cabinet, might be made in Parliament by the Secretary of State for India.

The Cabinet were reminded that there had already been preliminary discussion by the Coalition Government of this Report by the India Committee. The Committee of Ministers, of all parties, which had examined this matter on behalf of the Coalition Government had agreed that, if any further step was to be taken at this stage in respect of India's constitutional problem, the statement appended to that Report represented the best course that could be taken. Some

[1] No. 429. [2] No. 423.

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members of that Committee had grave doubts as to the wisdom of taking any step at this stage, even on the modified lines proposed by the Report. On the other hand, there would be great advantages if the Indian problem could be dealt with in a way which would command support from all political parties and would avoid its becoming an issue at the Election, and this was a strong argument for making a statement in Parliament on the lines recommended by the Committee.

THE SECRETARY OF STATE FOR INDIA said that the Viceroy would be willing to accept the statement appended to the Report as his mandate for discussion on return to India. It was, of course, the case that the proposals now put forward were strictly conditional on their acceptance by the main political parties in India. There was no question of negotiation, and the statement represented a firm offer not to be extended by any negotiation on the Viceroy's part. If the Indian political parties did not take advantage of this firm offer, we should carry on as now, but with the advantage from the point of view of public opinion in this country and abroad that we should clearly have gone to the utmost limits in the offer we had put forward. In reply to a question, he confirmed that the offer, if accepted, would not involve any disclosure of secret military matters to the Viceroy's Council, or any interference with the discretion of the Viceroy and Commander-in-Chief in operational matters.

Discussion showed that it was the general view of the Cabinet that a statement should be made by the Secretary of State for India in terms of the draft appended to W.P. (45) 274, and that the Viceroy should treat that statement as his mandate on the specific understanding that it represented a firm offer which was not open to any extension by negotiation.

The Cabinet then proceeded to consider certain supplementary matters referred to by the India Committee in connection with the proposed statement, as follows:—

Indianisation of the Army

The India Committee had expressed the view that, if the recommendation put forward by the Secretary of State for India and the Commander-in-Chief in India for the future officering of the Indian armed services was accepted, an announcement should be made at the same time as any statement on the constitutional problem.

THE PRIME MINISTER said that he saw the strongest objection to making any statement at this stage as regards the future officering of the Indian Army. The matter was one that required much closer investigation, pending which he thought it would be wiser that the Cabinet should not commit themselves.

It was the view of the Cabinet that no public reference should be made at this stage to the further Indianisation of the Indian Army.

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External Affairs

The India Committee had recommended that it should be made clear in the statement by the Secretary of State in Parliament, as also by the Viceroy in any statement which he made in India, that the delegates of British India at the Peace Conference or at other international conferences would be chosen by the Government of India, consequent on the appointment of an Indian Member of Council in charge of the Portfolio of External Affairs.

The Cabinet agreed that the Secretary of State and the Viceroy in their respective statements should make it clear that the Delegates of British India at future international conferences would be chosen by the new Government of India.

Appointment of a United Kingdom High Commissioner in India

The Cabinet approved the recommendation of the India Committee that a United Kingdom High Commissioner should be appointed in India to represent the particular interests of this country, and that an announcement to that effect should be made by the Secretary of State in his speech in the House of Commons.

Release of Certain Political Detainees

The India Committee had recommended that the Secretary of State should make it clear, if the proposals outlined in the Report were accepted by the Indian leaders, that His Majesty's Government would be prepared to recommend the Central and Provincial authorities in India to consider favourably the release of persons still detained as the result of the Congress resolution of August 1942.

It was the view of the Cabinet that the Viceroy should say nothing about the release of detainees when he went back to India; but that, if the Congress leaders wanted any individual released for purposes of discussing the offer of His Majesty's Government, the Viceroy should have discretion to release him and would not thereafter return him to confinement. The balance of the detainees would not, however, be released unless and until the offer which was now put forward had been accepted by the Indian political parties and the Central and Provincial authorities responsible were agreeable to releasing them.

L/E/8/3821: f 297

Industrialisation and Commercial Discrimination

2. The Cabinet had before them a Report by the India Committee (W.P. (45) 317)[3] on certain proposals by the Government of India bearing on the Commercial Discrimination provisions of the Government of India Act, 1935.

[3] No. 456.

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Sir A. Dalal, a member of the Governor-General's Executive Council for Planning and Development had been sent to this country by the Government of India in order, *inter alia*, to discuss these proposals. The Committee's recommendations were as follows—

(i) While they felt doubts about the soundness of these proposals for the industrialisation of India, they did not think that it would be wise for His Majesty's Government to reject them entirely.
(ii) There could be no question, in present circumstances, of any repeal of the commercial discrimination provisions of the Government of India Act, and this should be made clear to Sir A. Dalal.
(iii) Discussions with Sir A. Dalal should be undertaken on the basis of the formula set out in paragraph 16 of the Report.
(iv) The discussions with Sir A. Dalal should be held by Ministers, not by officials.

THE LORD CHANCELLOR said that the recommendations of the India Committee were unanimous save that the Secretary of State for War was not in agreement with the recommendations summarised at (i) and (iii) above. This issue had figured very prominently in the debates in Parliament culminating in the passage of the Government of India Act, 1935; and the object of these sections of the Act had been to give full and effective protection to United Kingdom interests in India. He himself felt considerable doubt on this matter, the more so as enquiries showed that British commercial interests attached very great importance to the maintenance of this protection so long as India was not fully self-governing, but he was prepared to accept the recommendations in the Report.

In discussion the following points were made—

(*a*) It would be out of the question to make any concession in respect of the commercial discrimination provisions of the Act of 1935 in advance of negotiations with India on the sterling balances.
(*b*) The Government of India's proposals were a further instance of endeavours on the part of business interests under Hindu influence to establish a dominating position in India without the slightest regard for the true interests of the Indian masses.
(*c*) The Secretary of State for India suggested that recommendation (iv) might be modified to admit of discussions at the official level between Sir A. Dalal and officials of the India Office to ascertain what difficulties he expected to arise from the maintenance of the commercial discrimination provisions of the Act.

The Cabinet were, however, opposed to any modification of the Committee's recommendation on this point.

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(*d*) The following amendments were suggested, and accepted by the Secretary of State for India, in the formula recommended by the India Committee in paragraph 16 of their Report for adoption as a basis for any discussions with Sir A. Dalal:—

In the first line the words "at this stage" should be omitted.
The second paragraph of the formula should be omitted.

In summing up the discussion THE PRIME MINISTER said that there should be no detailed negotiations with Sir A. Dalal on these matters at the present time; and he should be told that in view of the forthcoming Election the Government were not in a position to explore in any detail proposals which raised such far-reaching questions. There could be no question of coming to any arrangement with Sir A. Dalal, and no hope should be held out to him of any revision of the commercial discrimination provisions of the Government of India Act. It was against this background that (in discussions with Sir A. Dalal) use might be made, with the greatest caution and subject to the amendments noted above, of the formula set out in paragraph 16 of W.P. (45) 317.

The Cabinet—

(1) Approved the recommendations made in sub-paragraphs (i), (ii) and (iv) of paragraph 17 of the Report of the India Committee, as summarised at (i), (ii) and (iv) above.
(2) As regards the remaining recommendation, summarised at (iii) above, agreed that the Secretary of State for India should proceed as indicated by the Prime Minister in summing up the discussion.

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Cabinet C.M. (45) 2nd Conclusions, Minute 2

R/30/1/5: ff 27–9

Those present at this Meeting held at 10 Downing Street, S.W.1, on 30 May 1945 at 6.30 pm were: Mr Churchill (in the Chair), Mr Anthony Eden, Sir John Anderson, Lord Woolton, Mr Oliver Lyttelton, Mr R. A. Butler, Sir Donald Somervell, Mr Amery, Colonel Oliver Stanley, Mr Brendan Bracken, Sir James Grigg, Mr Harold Macmillan, the Earl of Rosebery, Mr R. S. Hudson

Also present during discussion of item 2 was: Viscount Simon

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INDIA

Constitutional Position

(Previous Reference: C.M. (45) 1st Conclusions, Minute 1)[1]

The Cabinet resumed their discussion of the Report of the India Committee (W.P. (45) 274)[2] on the constitutional position in India.

THE PRIME MINISTER said that he had reflected on the discussion in Cabinet that morning on the Indian constitutional problem, and had reached the conclusion that further consideration should be given to these issues before the Report of the India Committee was finally adopted as a basis for action. While he was ready to give full weight to the importance of a non-party approach which would prevent the Indian problem from becoming an issue of political controversy at the General Election, he would deprecate any hasty decision in a matter of such grave constitutional importance. Would it not be wiser to inform the Viceroy that these issues must stand over until after the General Election, when they could be considered by a new Government and a new Parliament?

THE SECRETARY OF STATE FOR INDIA said that he was persuaded that there was a sound case on the merits, apart from any electoral considerations, for going ahead on the basis of the India Committee's proposals. He was gravely apprehensive of the effect that would be produced in India were the Viceroy to return empty-handed at a time when Indian nationalism was passing through an acute phase, and when there was a strong sense of frustration among political parties in India, as the result of their inability to reach agreement amongst themselves. There was also the danger that we might miss a unique opportunity. If these proposals were accepted, we might hope, with good fortune, for many years of orderly progress in India. Even if the Indians were so ill-advised as to reject them, we should, at any rate, have placed ourselves in an extremely strong position with public opinion in this country and abroad. He strongly urged that, before deciding to defer this matter until after the Election, the Cabinet should give the Viceroy an opportunity of putting his views before them.

THE PRIME MINISTER said that he entirely agreed that the Viceroy should have an opportunity of discussing these issues with the Cabinet.

The Cabinet—

> Invited the Secretary of State for India to arrange for Lord Wavell to attend a meeting of the Cabinet on the following day to put before them his views on the proposals made by the India Committee in W.P. (45) 274.

[1] No. 469. [2] No. 423.

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 20 *30 May 1945*

Many thanks for your letter of 17th May[1] which was written before the change of government. I am very glad to hear that you are to carry on with the India Office: that is excellent news, and I see you have a most suitable and experienced new Under-Secretary! You may be sure that Scarbrough's appointment will be greeted with cheers in Bombay.

2. I have read the list of new appointments with great interest and I feel rather sad missing the excitement of a general election.

3. Asaf Ali, a member of the Working Committee, has been unwell recently. His complaint is a nervous one, but apparently it can be quite bad at times. For some time the Central Government have been prepared to release him, but the Delhi Administration were against it. He has now been released on medical grounds and I am glad he is out. His wife is still absconding though I doubt whether any very serious attempts are being made to arrest her.

4. Council continue to be a little uneasy about their position. I have drawn Wavell's attention to Linlithgow's personal telegram No. 2347-S[2] of 10th August 1942 and your reply in your telegram No. 14510[3] of 17th August. I have also suggested to Wavell that it would be a good thing if time is allowed for His Majesty's Government to consider the reactions of Council to any scheme that is agreed upon. No one seriously imagines that Council's views can be expected to affect the major issues, but it will reduce the impact of the blow to the Executive Council if at least the appearance of consultation with them can be given. They should not, for instance, be informed of the scheme one evening and the announcement be put out the next morning. I have always in my mind that this Council is the instrument which we may still have to use for some time if interim proposals are not accepted by parties and I am doing my best to nurse them.

5. In your telegram No. 276[4] of 30th April you referred to the proposals of the Ministry of Information about the appointment of a representative of that Ministry in India. You said that you thought that the plan was reasonable and that Wavell was also in favour of it subject to any views expressed here.

I have approved a long official reply which will reach you within a few days by fast air mail. I would have written the reply differently myself, but it

[1] No. 452. [2] Vol. II, No. 493. [3] Vol. II, No. 576. [4] L/PO/10/18.

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represents the departmental point of view, and the point of view which I think would be taken by Council. I would not personally press all the arguments in the reply, but one valid point does seem to me to stick out. A high grade representative of the Ministry of Information, not responsible either to the Government of India or to the India Office, would probably be a real embarrassment both to the Government of India and to His Majesty's Government. He would be accredited to the Government of India and thus would have a special status in India, yet he would be under no control except from the Ministry of Information. His appointment would be regarded as evidence that His Majesty's Government claim the right to use the Indian publicity machine for their own purpose and to have their own observer to see that the machine is used to the maximum benefit of His Majesty's Government. I think Provincial Governments, and especially Ministerial Governments, would react unfavourably, and hostile reactions in the Press would be a certainty.

I think it would be preferable for the Ministry of Information to have their own organisation out here. The whole thing would then be above board, and though hostility might be expressed, I think it would be possible to put across a lot of good material and to do valuable work for His Majesty's Government in India, without in any way embarrassing the Government of India. The analogy of the Trade Commissioner is fairly close. I commend this alternative proposal, which has been included in the official letter.

I hope the Ministry of Information will understand that though there may be some departmental tenderness we are genuinely anxious to evolve a scheme which will be satisfactory from all points of view. I think possibly that Wavell may agree that the alternative suggestion I have mentioned above would be an improvement.

[Para. 6, on a request from the Reverend P. T. B. Clayton for help in the supply of wood for use in the restoration of a church, omitted.]

7. You may have noticed that Cunningham in his last fortnightly report[5] says that Khan Sahib was present with him at the saluting base when he took the salute during the V-Day Parade. It is a good performance on Cunningham's part to have persuaded a Congress Prime Minister to do this, and I think it is a useful indication to the public that Khan Sahib is serious in his intention to help the war effort.

[Para. 8, on Sir H. Dow's recess in Ziarat; and para. 9, on the staffing of I.C.S. and I.P. Selection Boards, omitted.]

10. Our week in Simla was very pleasant. I am now in Delhi again, and shall stay here till Wavell returns. My wife and daughter are remaining in Simla for the present.

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I am so glad to get the news that Wavell is returning next week—I hope bringing the sheaves with him.

[5] Dated 23 May 1945. L/P&J/5/222.

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Cabinet C.M. (45) 3rd Conclusions, Minute 1

R/30/1/5: ff 23–6

Those present at this Meeting held at 10 Downing Street, S.W.1, on 31 May 1945 at 11.30 am were: Mr Churchill (in the Chair), Mr Anthony Eden, Sir John Anderson, Lord Woolton, Lord Beaverbrook, Mr Oliver Lyttelton, Mr R. A. Butler, Sir Donald Somervell, Mr Amery, Colonel Oliver Stanley, Mr Brendan Bracken, Sir James Grigg, the Earl of Rosebery, Mr R. S. Hudson

Also present during discussion of item 1 were: Viscount Simon, Field Marshal Viscount Wavell

INDIA

Constitutional Position

(Previous Reference: C.M. (45) 2nd Conclusions, Minute 2.)[1]

THE PRIME MINISTER thanked the Viceroy for attending to give the Cabinet the benefit of his views on the Indian constitutional problem.

The Cabinet had considered the proposals put forward by the India Committee, but they were not satisfied as to the wisdom of making a fresh offer to India on the lines proposed. Admittedly there would be advantages in removing India from the field of political controversy at the General Election by announcing proposals which had been worked out under the Coalition Government. The Cabinet must first, however, be satisfied that the scheme was sound on its merits. If this plan were accepted and put into effect, was there not some risk that it might reduce the standing, authority and competence of the Governor-General's Executive Council? Might it not even prove to be a retrograde step from the point of view of putting the Government of India on a democratic basis if, as a result of the composition of the new Executive Council, matters of the highest secrecy and importance tended in future to be handled independently by the Viceroy and Commander-in-Chief? Was it likely that these proposals would be accepted by public opinion as a worthy contribution towards the solution of India's constitutional problem? There

[1] No. 470.

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were great reforms to be undertaken in India. We were ourselves perhaps open to criticism on the ground that we had not tackled them with sufficient resolution. But would the elements now proposed to be brought into the Viceroy's Council be those needed to deal with those problems, or would they rather be what he might describe as factionaries? The Cabinet would greatly value an expression of the Viceroy's views both on the merits of the plan and on the procedure which he had in mind for giving effect to these proposals.

LORD WAVELL recalled that on his appointment as Viceroy he had been instructed to consider what progress could be made towards a solution of the constitutional problem in India, and to make recommendations to His Majesty's Government at the end of twelve or eighteen months. He reviewed the origin of his present proposals, which had been framed after discussions with Governors and with senior European officials, and said that since the beginning of this year he had felt bound to press for their early consideration by His Majesty's Government. The end of the war in Europe was then in sight and he had thought this would be a favourable opportunity to try to break the political deadlock in India: he had also thought that the fall of Rangoon might make the situation more favourable as it would remove the last apprehension of enemy attack on India: and, finally, there would have been advantages in obtaining a decision by a Coalition Government which would have avoided political controversy over India at a General Election.

He did not under-rate the difficulties of carrying through the proposals which he had put forward, but he thought that the present situation was still not unfavourable and that any other course, including that of making no move, would be more dangerous. The advantages of the course which he had recommended, as amended by the India Committee, were that the new Council would be a body with some sort of popular support, if chosen in the manner which he was about to describe; and that, if the experiment succeeded, it would, in his judgment, be accepted as a substantial step forward by opinion in India and outside. If it failed, we should have the advantage of having made the most generous offer that circumstances would permit. He believed that by the methods which he proposed it should be possible to secure a Council which would not be inferior in intellectual quality to the present Council and would conduct itself in a reasonable manner, though admittedly it would be more difficult to handle and more nationalist in temperament.

The procedure which he had in mind was to put his proposals to the present Executive Council, immediately upon his return to India, and cable their views for consideration by His Majesty's Government. He would then announce his proposals in a broadcast in India, on the same date as the Secretary of State made his statement in Parliament. Thereafter he would summon a conference comprising the present Provincial Premiers, the individuals who last served as

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Premiers in the Provinces now administered under Section 93 of the Act of 1935, the leaders of Congress and the Muslim League in the Legislative Assembly and the Council of State, the leader of the Independent Party in the Assembly, the two senior Indian members of his Council (Sir R. Mudaliar and Sir Sultan Ahmed), Gandhi, Jinnah, Dr. Ambedkar representing the Depressed Classes, and Master Tara Singh representing the Sikhs.

This conference of twenty-two persons would be representative of all the main sections of Indian opinion and would have substantial popular influence behind it. At least fourteen of its members would have held high administrative office for a number of years. Its composition would be approximately nine Hindu, six Muslim and seven falling outside those categories. There would be no question of negotiating with this conference on the offer itself. If they were not prepared to co-operate on the basis of his proposals, he would report their attitude to His Majesty's Government and would advise that no further concessions should be offered. If, however, they were ready to co-operate, he would ask them to advise him on the selection of individuals to form his new Council, viz., to put forward names from which he could select those whom he would recommend to His Majesty's Government for appointment. He would urge them to make a substantially larger number of nominations than there would be vacancies. He would deem himself entirely free to reject, to select, to choose from outside the names put forward, and of course to choose from outside the membership of the conference.

After explaining his proposals to the conference and hearing their views, he would ask how they wished to proceed in the discussion of possible names for his consideration. They would probably split into Hindu and Muslim groups and put forward separate lists. In dealing with the recommendations made to him, he would aim at avoiding head-on collisions over individuals, but would point out the objections to one or the advantages of another, and might in addition be prepared to put forward independent proposals of his own. He hoped for, and it would be his object to attain, an Executive Council composed, in addition to the Viceroy and the Commander-in-Chief, of four Congress and one non-Congress Hindus; four Muslim League and one non-Muslim League Muslims; one Scheduled Caste (Dr. Ambedkar); one Sikh, and perhaps one other—a total of fifteen, of which only four would be drawn from the Congress.

The Viceroy added that he would resist any attempt by the conference to enlarge their numbers. Finally, he recognised that he would be faced with a demand that, in view of these discussions, the remaining members of the Congress Working Committee should be released from detention. On this he proposed to consult his Executive Council; and if they thought release advisable he would recommend that these persons should be released as soon as the conference assembled.

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In discussion the following points were made:—

(*a*) The scheme put forward by the Viceroy in the discussions had not been explained to the India Committee in detail; and the detailed scheme, particularly the procedure which he was proposing to follow, put his proposals in a new light.

(*b*) It was important that in any statement to be published it should be made clear that the Viceroy would be free to reject the recommendations made by the conference for appointments to the Executive Council, and to go outside any lists submitted by the conference. What was essentially involved was an extension and formalisation of the advice available to the Viceroy in selecting the members of his Council.

(*c*) Was there not a risk that Congress and the Muslim League groups would start by asking whether the Viceroy would accept their recommendations, and would break off the discussions as soon as they were told that no such assurance could be given? LORD WAVELL thought this was unlikely.

(*d*) A great deal would depend on the extent of the desire in India to escape from the present political deadlock. If this desire was strong, progress might be made on the lines indicated by the Viceroy. LORD WAVELL said that he thought there was a very strong wish on the part of Indian politicians to get back into office in the Provinces, and he hoped that for that reason they might be the most anxious to co-operate in his scheme. His hope was that the Provincial Governments would be reformed at the same time as the Government at the centre was reconstituted.

After further discussion, THE PRIME MINISTER said that the explanations which the Viceroy had given had greatly clarified the position and had gone far to remove the misgivings which he had felt about the proposals as presented in the Report of the India Committee. It was now clear that the Viceroy would be free to reject, to select, and to use his influence as he thought fit, in dealing with the proposals made to him by the conference regarding the persons whom he might recommend for appointment to his Executive Council; and the effect of the scheme, as now explained, was to give the Viceroy rather more guidance, and to ensure that a wider survey was made of the field of choice, before his Council was formed.

There could be no question of introducing before the General Election amending legislation to remove the official element from the Executive Council. Nor should any public reference be made at this stage to further Indianisation of the Indian Army: that was a matter which must be reserved for consideration by the new Government. Finally, it must be clear that the offer which was to be made to the conference was not open to extension by negotiation: if the conference was not ready to proceed on the offer as it stood, the

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project must be dropped. Subject to these three points, however, he was disposed to favour the acceptance of the proposals which the Viceroy had explained to the Cabinet.

As regards the release of persons still under detention, he thought that the Viceroy might be given discretion to deal with this question on the lines which he had indicated in the discussion.

It was, however, necessary that the India Committee should consider how the draft statement annexed to their Report (W.P. (45) 274)[2] should be adjusted to conform with the detailed explanation which the Viceroy had now given of the procedure by which he would handle these proposals; and he suggested that the Committee should meet forthwith to review the position in the light of the Viceroy's statement.

The Cabinet—

> Invited the India Committee to review the position, as suggested by the Prime Minister, and to report immediately what adjustments should be made in the draft statement annexed to W.P. (45) 274 in order to bring that statement into conformity with the further explanations which the Viceroy had given to the Cabinet.

[2] No. 423.

473

Draft by Field Marshal Viscount Wavell[1]

L/PO/6/108d: ff 207–13

Undated

DRAFT BROADCAST

1. I have been authorised by H.M.G. to place before Indian political leaders proposals designed to ease the present political deadlock and to advance India towards her goal of full self-government. These proposals are at the present moment being laid before Parliament by the Secretary of State for India. My intention in this broadcast is to explain the proposals to you, the ideas underlying them, and the method by which I hope to put them into effect.

2. This is not an attempt to obtain or impose a constitutional settlement. H.M.G. had hoped that the leaders of the Indian parties would agree amongst themselves on a settlement of the communal issue, which is the main stumbling-block; but this hope has not been fulfilled.

[1] The typescript of this draft on the file is heavily altered in manuscript. As these alterations are largely identical with amendments later agreed to the text of the broadcast, it is believed that the typescript version here reproduced unaltered is the draft which Lord Wavell read to the India Committee on 31 May (see No. 474).

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3. In the meantime, India has great opportunities to be taken and great problems to be solved, which require a common effort by the leading men of all parties. I therefore propose to invite Indian leaders both in Central and Provincial politics to take counsel with me with a view to the formation of a new Executive Council more representative of organised political opinion. The proposed new Council would represent the main communities and would include equal proportions of Caste Hindus and Moslems. It would work, if formed, under the existing Constitution. But it would be an entirely Indian Council, except for the Viceroy and the Commander-in-Chief, who would retain his position as War Member. It is also proposed that the portfolio of External Affairs, which has hitherto been held by the Viceroy, should be placed in charge of an Indian Member of Council, as far as the interests of British India are concerned.

A further step proposed by H.M.G. is the appointment of a British High Commissioner in India, as in the Dominions, to represent Great Britain's Commercial and other such interests in India. This will relieve the Governor-General of his present duty of representing such interests in his Council.

4. Such a new Executive Council, will, you realise, represent a very considerable advance on the road to self-government. It will be almost entirely Indian, and the Finance and Home Members will for the first time be Indians, while an Indian will also be charged with the management of India's Foreign affairs. Moreover Members will now be selected by the Governor-General after consultation with political leaders; though their appointments will of course be subject to the approval of His Majesty the King Emperor.

5. The Council will work within the framework of the present constitution; and there can be no question of the Governor-General agreeing not to exercise his constitutional power of control; but it will of course not be exercised unreasonably.

I should make it clear that the formation of this interim Government will in no way prejudice the final constitutional settlement.

6. The main tasks for this new Executive Council would be:

First, to prosecute the war against Japan with the utmost energy till Japan is utterly defeated.

Secondly, to carry on the Government of British India, with all the manifold tasks of post-war development in front of it, until a new permanent constitution can be agreed upon and come into force.

Thirdly, to consider, when the Members of the Government think it possible, the means by which such agreement can be achieved.

The Council would have the task of selecting the British Indian representatives to the Peace Conference, when the time comes, and to other international conferences, and would give them their instructions.

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7. I have considered the best means of forming such a Government; and have decided to invite the following to the Viceroy's House to advise me:

Those now holding office as Premier in a Provincial Government; or, for Provinces now under Section 93 Government, those who last held the office of Premier.

The leaders of the Congress Party and Muslim League in the Central Assembly and Council of State; also the leader of the Independent Party in the Assembly.

The two senior Indian Members of my present Executive Council, Sir Ramaswami Mudaliar and Sir Sultan Ahmed.

Mr. Gandhi and Mr. Jinnah as the recognised leaders of the two main political parties.

Dr. Ambedkar to represent[2] the Sikhs.

Invitations to these gentlemen are being handed to them today and it is proposed to assemble the Conference on ——.

8. I trust that all those invited will attend the Conference and give me their help. On me and on them will lie a heavy responsibility in this latest attempt to make progress towards a final settlement of India's future.

If the meeting is successful, I hope that we shall be able to agree on the formation of the new Executive Council at the Centre. I also hope that it will be possible to restore Ministerial Government in the Provinces now administered under Section 93 of the Constitution Act; and that these Governments will be coalitions.

If the meeting should fail, we must carry on as at present until the parties are ready to come together. The existing Executive Council, which has done such valuable work for India, will continue it if other arrangements cannot be agreed.

9. But I have every hope that the meeting will succeed, if the party leaders will approach the problem with the sincere intention of co-operating with me and with each other. I can assure them that there is behind this proposal a most genuine desire on the part of all responsible leaders in the United Kingdom and of the British people as a whole to help India towards her goal. I believe that this is more than a step towards that goal, it is a considerable stride forward, and a stride on the right path.

10. I should make it clear that these proposals affect British India only and do not make any alteration in the relations of the Princes with the Crown Representative.

11. I have not so far mentioned a matter which I know holds considerable importance in the minds of many of you, the release of those still under detention as the result of the 1942 disturbances. I propose to leave the final decision

[2] *Sic.* 'the Scheduled Classes. Master Tara Singh to represent' omitted.

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on this to the new Central and Provincial governments when formed; but any of those now invited to the Conference will if they accept the invitation be released unconditionally.

The decision on the appropriate time for fresh elections for the Central and Provincial legislatures will be made later.

12. Finally, I would ask you all to help in creating the atmosphere of good will and mutual confidence that is essential if we are to make progress. The destiny of this great country and of the many millions who live in it depend on the wisdom and good understanding of the leaders, both of action and of thought, British and Indian, at this critical moment of India's history.

India's military reputation never stood higher in the world than it does at present; thanks to the exploits of her sons drawn from all parts of the country. Her representatives at International conferences have won high regard for their statesmanlike attitude. Sympathy for India's aspirations and prosperity was never greater or more widespread. We have thus great assets if we can use them wisely. But it will not be easy, it will not be quick; there is very much to do, there are many pitfalls and dangers. There is on all sides something to forgive and forget.

I believe in the future of India, and as far as in me lies will further her greatness. I ask you all for your co-operation and good will.

474

Cabinet

India Committee. I (45) 26th Meeting

L/PO/6/108d: ff 204–6

Those present at this Meeting held in Conference Room 'B', Cabinet Offices, Great George Street, S.W.1, on 31 May 1945 at 3.15 pm were: Viscount Simon (in the Chair), Mr Amery, Sir James Grigg, Colonel Oliver Stanley, Field Marshal Viscount Wavell; Sir G. Laithwaite (Secretary)

THE LORD CHANCELLOR laid before the Committee draft paragraphs 12A and 12B for insertion in the statement to be made by the Secretary of State of which a draft was appended to W.P. (45) 274,[1] for consideration by the Committee.

LORD WAVELL said that he was very anxious to be left as much latitude in these matters as possible, and that he felt that he would be placed at a disadvantage in handling what was bound to be a difficult and delicate business

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if he was tied too tightly and if too specific a description of the procedure to be followed and the limits within which he was to work had previously been stated in Parliament or elsewhere.

The Committee proceeded to consider the amendments desirable in the draft statement appended to W.P. (45) 274.

After discussion—

(1) The following alterations were approved:—

(*a*) Paragraph 6, line 1
Omit the words "aware that a continuation of the present situation is harmful, and are".

(*b*) Paragraph 9, line 2
Omit "not" before "something".

(*c*) Paragraph 9, line 4
For "co-operate closely" substitute "co-operate more closely".

(*d*) Paragraph 9, line 5
Omit "great" before "benefit".

(*e*) Paragraph 17
At end of paragraph 17 add the following:—"In the absence of such general acceptance existing arrangements must necessarily continue.".

(2) The Committee approved paragraphs 12A and 12B which had been circulated by the Lord Chancellor, subject to certain amendments. A copy of these paragraphs, as finally approved by the Committee, is attached to these minutes.

The Committee invited the Lord Chancellor to inform the Prime Minister of the conclusions which they had reached.

LORD WAVELL read to the Committee the draft[2] of the broadcast which he proposed to make to coincide with the statement by the Secretary of State for India in Parliament. In deference to their view he deleted a reference to Indian representation at the Peace Conference, subject to which the Committee took note with satisfaction of the proposed broadcast.

Appendix to No. 474

12A. In order to pursue this object, the Viceroy will call into conference a number of leading Indian politicians who are the heads of the most important parties or who have had recent experience as Prime Ministers of Provinces, together with a few others of special experience and authority. The Viceroy intends to put before this conference the proposal that the Executive Council

[1] No. 423. [2] See No. 473.

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should be re-constituted as above stated and to invite from the members of the conference a list of names. Out of these he would hope to be able to choose the future members whom he would recommend for appointment by His Majesty to the Viceroy's Council, although the responsibility for the recommendations must of course continue to rest with him.

12B. The members of his Council who are chosen as a result of this arrangement would of course accept the position on the basis that they would wholeheartedly co-operate in supporting and carrying through the war against Japan to its victorious conclusion.

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Cabinet Paper C.P. (45) 5

L/PO/6/108d: ff 226–7

India: The Constitutional Position

NOTE BY THE SECRETARY

CABINET OFFICE, S.W.1, *31 May 1945*

I circulate by direction of the Prime Minister the Report of the India Committee on the matters referred to them by the Cabinet at their meeting this morning (C.M. (45) 3rd Conclusions, Minute 1).[1]

E. E. BRIDGES

REPORT BY THE INDIA COMMITTEE

Prime Minister

The India Committee has met and the amendments for which you called have been made to the draft statement (Appendix, page 6 of W.P. (45) 274).[2]

2. I attach a note of the amendments made by the Committee in the draft statement and would ask your particular attention to paragraphs 12 (a) and 12 (b). You will see that these paragraphs state in summary form the Viceroy's plan as he explained it to the Cabinet this morning. He proposes to broadcast in India at the same hour when the Secretary of State for India makes the statement in the House of Commons, and in his broadcast he will give in detail the proposed composition of the conference.

3. Paragraph 12 (b) remedies what was an unintended omission from the original draft.

4. The only other change to which your attention should be expressly drawn is the added sentence in paragraph 17. It makes it clear that if the present

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proposal is rejected by either major community the existing arrangements must necessarily continue. This will go a long way to prevent the Viceroy's proposal being treated as a basis for more extended negotiation.

5. The Viceroy expressed himself as content with these alterations and is ready to act in accordance with them.

SIMON

Amendments proposed by the India Committee in the draft Statement appended to W.P. (45) 274

[*There follow the amendments listed in No. 474.*]

[1] No. 472. [2] No. 423.

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Cabinet C.M. (45) 4th Conclusions, Minute 2

R/30/1/5: ff 18–22

Those present at this Meeting held in the Prime Minister's Map Room on 31 May 1945 at 10.30 pm were: Mr Churchill (in the Chair), Sir John Anderson, Lord Woolton, Mr Oliver Lyttelton, Mr R. A. Butler, Sir Donald Somervell, Mr Amery, Colonel Oliver Stanley, Mr Brendan Bracken, Sir James Grigg, Mr R. S. Hudson

Also present during discussion of item 2 were: Viscount Simon, Field Marshal Viscount Wavell

INDIA

Constitutional Position

(Previous Reference: C.M. (45) 3rd Conclusions, Minute 1)[1]

At their meeting on the 31st May the Cabinet had invited the India Committee to review, in the light of the explanations given by the Viceroy, the terms of the draft statement annexed to W.P. (45) 274.[2] They now had before them a further report (C.P. (45) 5)[3] by the India Committee setting out the amendments which they proposed should be made in the draft statement.

After discussion, the Cabinet—

> Approved the drafting amendments proposed by the India Committee in C.P. (45) 5, subject to the addition at the end of new draft, paragraph 12A, of the words "and his freedom of choice therefore remains unrestricted."

[1] No. 472. [2] No. 423. [3] No. 475.

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THE PRIME MINISTER said that he was concerned about paragraphs 14 and 15 of the draft statement. Paragraph 15, in particular, might be understood by Parliament as implying that their powers were being limited without legislation. The powers and privileges of Parliament must be carefully safeguarded, and there could be no question of their powers being taken away by *de facto* action. Moreover, the Viceroy's position in negotiation would be further strengthened if he was in a position to say that he was not empowered to do anything which might limit the powers of Parliament.

In discussion, it was explained that these paragraphs had been inserted in the draft statement with a view to drawing the attention of Parliament to the risk that, if persons were appointed to the Viceroy's Executive Council on a representative basis, their presence must, as time went on, react on the powers of the Viceroy for, to the extent that they were representative, it would be more difficult to over-ride their advice. It was suggested, on the other hand, that nothing short of legislation could formally limit the powers and responsibilities of the House of Commons, whatever conventions might develop in practice. LORD WAVELL said that he would much prefer to see these two paragraphs omitted from the statement. He was reluctant to see anything included which would suggest that his powers were undergoing any change, since this would make the task of handling his Council still more difficult.

After discussion, the Cabinet—

> Agreed that paragraphs 14 and 15 of the draft statement appended to W.P. (45) 274 should be omitted.

At the suggestion of the Secretary of State for India, the Cabinet—

Approved the following supplementary amendments to the draft statement—(i) in the second line of paragraph 9 after the word "period" the words "under the existing constitution" should be inserted; and (ii) in the second line of paragraph 11, "composition" should be substituted for "constitution."

At the invitation of the Prime Minister the Viceroy read to the Cabinet the draft[4] of the broadcast which he proposed to make simultaneously with the statement to be made in the House of Commons by the Secretary of State for India. A number of drafting amendments were suggested, and were accepted by the Viceroy.

In addition, the following points arose in discussion of the draft broadcast—

(*a*) The broadcast as drafted stated that responsibility for choosing India's delegates to international conferences would in future rest with the new Council, if and when formed. It was suggested that it would be desirable to avoid any commitment on this point and to leave the Viceroy's freedom of choice entirely unfettered. THE VICEROY agreed, and undertook to amend his broadcast accordingly.

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(*b*) THE VICEROY said that he would like to discuss with his present Council the tactics to be adopted as regards the release of members of the Congress Working Committee who were still under detention at the opening of the conference which he had in view. It was the view of the Cabinet that the Viceroy should have discretion, subject to the views of his Council, to release members of the Working Committee still in detention on that date, but that the remaining detainees should not be released until the new Governments at the Centre and in the Provinces were in power and had agreed to their release.

THE PRIME MINISTER, summing up the discussion, said that the Cabinet were greatly indebted to the Viceroy for his assistance and for the full explanation which he had given of the procedure which he proposed to adopt in dealing with this matter. They entirely agreed with that procedure. He thanked the Viceroy warmly on behalf of the Cabinet and expressed their cordial good wishes for the success of the discussions that lay before him.

THE VICEROY thanked the Cabinet for their consideration of his views and for their good wishes.

The Cabinet endorsed the conclusions reached at this meeting and at their earlier discussions on the 30th[5] and 31st May[6] on the constitutional problem in India, as follows:—

(1) The Viceroy should, immediately on his return to India, invite his Executive Council to express their views on the proposals set out in the draft statement annexed to this Minute and should communicate their views to His Majesty's Government.

(2) Subject to the views of the Council, when received and considered by His Majesty's Government, the Secretary of State for India should make a statement in the House of Commons in the terms of the draft annexed to this Minute.

(3) The Viceroy should simultaneously announce his proposals in India, in a broadcast in the terms approved by the Cabinet.

(4) Proposals for the further Indianisation of the Indian Army would require further discussion by His Majesty's Government, and no public reference should be made to these proposals at this stage.

(5) A United Kingdom High Commissioner should be appointed in India to represent the particular interests of the United Kingdom, and an announcement to this effect should be made by the Secretary of State for India in connection with his proposed statement in the House of Commons.

(6) The Viceroy would discuss with his Executive Council on his return to India the release of the eight members of the Congress Working Committee who were still in detention; and, subject to their views,

[4] Presumably No. 473 with the amendment agreed in No. 474.
[5] Nos. 469 and 470.
[6] No. 472.

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would agree to the release of those persons on the opening of the discussions on the constitutional offer. The balance of the detainees would not, however, be released unless and until the offer which was now to be put forward had been accepted by the Indian political parties and the Central and Provincial authorities responsible for their custody were agreeable to their release.

Appendix to No. 476

REVISED DRAFT OF STATEMENT TO BE MADE IN PARLIAMENT BY THE SECRETARY OF STATE FOR INDIA

[*There follows the text of Appendix to No. 423 with the amendments agreed in this Minute. For the text of the Statement as made by Mr Amery on 14 June 1945, see No. 507.*]

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Mr Churchill to Mr Amery

L/PO/6/108d: f 194

10 DOWNING STREET, WHITEHALL, *3 June 1945*

Prime Minister's Personal Minute: Serial No. M.564/5

Secretary of State for India.

You should, at the earliest opportunity, explain to Mr. Attlee and Sir Stafford Cripps to what extent the instructions given to the Viceroy at the last meeting of the Cabinet differ from the policy previously recommended to the War Cabinet by the India Committee.[1]

W.S.C.

[1] Mr Turnbull minuted on the file copy: 'P.M. informed orally by S/S of action taken.'

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Sir J. Colville to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,

No. 21. *3 June 1945*

I am writing this, just before Wavell's return, to wind up our correspondence.

2. Many thanks for your letter of 24th May.[1] I am so glad that you are to continue as Secretary of State and that Roger is to be your Under Secretary.

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I wish you the best of luck in the election. I feel quite a twinge of homesickness when reading of all the election excitement. It is a distinct trial at the time but when one is not in the show one misses it greatly.

[Para. 3, on the priority air passages granted to Sir Zafrullah Khan and Chief Justice Stone, omitted.]

4. As you know, I asked Casey to reconsider his request for six Advisers because I felt, on my experience in Bombay which was confirmed by Mudie's in the United Provinces, that it was better to have a separate team of Advisers with Secretaries under them.[2] However, Casey, after careful consideration, said that he felt he must have six Advisers, and in the meanwhile your sanction had arrived. So I told Casey he could go ahead. He has his special difficulties in Bengal, and one must support him and trust his judgment, though I still adhere to my strong preference for a separate team of advisers to co-ordinate policy under the Governor.

5. The cloth situation is giving some anxiety. We have now consumed our reserves in the form of stocks in the hands of wholesalers and retailers, and any delay over transport means a local shortage almost at once. Lack of coal has led to the closure of textile mills on many occasions, and lack of transport has been another difficulty. By a scheme of rationalisation we hope to increase production by three or four hundred million yards, and if we can squeeze out a little more coal for the industry we may get a further increase. The Provinces are doing what they can, in spite of lack of man-power, to improve distribution. Rationing has been started as an experiment in Bombay and will be introduced soon in Calcutta and Delhi. It is uncertain that it will succeed as there is not enough fine cloth to give a reasonable ration to the whole population. The Department think that the situation will be easier at the end of the year, but I have no doubt Wavell will watch it very closely since there is no assurance of an improvement and shortages of cloth can be exploited very effectively by agitators. I shall watch closely how rationing works in Bombay. The experience may be useful elsewhere.

6. Council, at their last meeting, approved the proposal of Home Department that the Government of India should recommend to the Secretary of State to extend the right of retirement on proportionate pension to officers of the Central Services who are of Asiatic domicile and who were recruited after

[1] No. 463.

[2] Mr Casey had previously proposed 5 Advisers (see No. 364, para. 2). In tel. 158 of 24 May to Sir J. Colville (repeated to Mr Amery) he stated that 'experience of last few weeks and consideration of manpower and personnel difficulties have made it clear that I must revise my proposals and ask for six Advisers, of whom four will, in addition, fill posts that they are already holding; the other two will also do special work in addition to their advisory functions'. L/P&J/8/653: f 96.

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1st April 1924.[3] Khare took the line that this protection was unnecessary and that the fear of victimisation of Indian members of the Services was much exaggerated. Other Members of Council thought that the distinction between these officers and the rest of the Services should be removed and that there was some justification for the fear of victimisation. There has been some evidence recently in the nationalist newspapers that this fear is justified, and though in the past Congress Governments were not as bad in this respect as was anticipated, one can understand that a Hindu I.C.S. or I.P. officer in Bihar who took a prominent part in suppressing the 1942 rebellion must be feeling a little anxious.

7. I am sending in this bag a leading article and some other comment from the *Hindustan Times* of June the 1st on the scheme for the filling of the war reserved vacancies in the I.C.S. and the I.P. This paper, edited by Gandhi's son, may be depended on to be critical. You will see that the reaction is more or less what one might have expected; the nationalist view is that any British recruitment, even in pursuance of a stated obligation, is evidence of an intention to prolong British rule in India.

8. I see from a press report that Bhopal telegraphed to His Majesty on the victory in Europe and that a message was sent in reply thanking him for the "loyal message which as Chancellor you have addressed to me on behalf of the Princes of India".

I imagine that the Palace slipped up and failed to consult the India Office! I do not think there is anything to be done about this but I thought you ought to know.

9. I have left to the end the matter of wheat imports. You say in your latest telegram[4] that you think you have nearly landed your fish and although it looks as though the fish will not be on the bank before I hand over charge, I should like to give it a hearty welcome! I shall telegraph to you in the next day or two the text of an announcement, and I can only say that I am extremely grateful to you for all you have done. With an increased export of wheat from the Punjab our food situation should now be secured for some months to come. Hutchings has just gone off on well-earned leave, and I am glad that the encouraging news came in before he left. He has had a hard row to hoe since he took over as Secretary, and has done well.

10. Wavell will meet the Council on Tuesday night and I know he will find that they appreciate the time which is being given to hear their views. Their attitude has not been unreasonable but they have required a little "jollying along".

11. I have had a most interesting time as Acting Governor-General, and I am very grateful indeed for the opportunity that has been given me. Thank

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you very much for all your consideration and help at a time when I know you were under great pressure in London. I look forward to returning to Bombay where constitutional developments, if they take place, will be exceedingly interesting.

Once more—good luck at the Polls, and Julian too.

[3] In a letter dated 20 July 1945, Mr Iddon informed the G. of I., Home Dept that Mr Amery had sanctioned this proposal. The amendment to the Premature Retirement Rules was published as S.R. & O. 1945 (No. 906). L/S&G/7/776.

[4] Tel. 361 of 2 June which asked Sir J. Colville to send Mr Amery a draft announcement 'so that agreement on text here can serve to clinch shipping side of the bargain'. The announcement (which it had been agreed should be made in India) might be to the effect that H.M.G. had undertaken to load additional supplies of wheat to India up to a total of 100,000 tons a month for the six months July to December 1945, with an expression of gratitude to H.M.G. Sir J. P. Srivastava supplied a draft on these lines transmitted in tel. 948-S of 4 June. L/E/8/3327.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 214

MOST IMMEDIATE NEW DELHI, *7 June 1945, 1.30 am*
Received: 7 June, 2.30 am

962-S. Superintendent Series. Proposals approved by Cabinet were discussed in Council on 5th and 6th June. All members were present except C.-in-C., Mudaliar and Dalal who are out of India. I placed [introduced] proposals in oral statement and did not repeat not circulate any papers.

2. Usman, Mudie and Rowlands accepted the proposals but said that in handling conference I must be certain of genuine party co-operation before attempting select[ion of] new members. I agreed. The point is, I think, covered by paragraphs 10 and 13 of draft statement[1] and paragraphs 6 and 7 of draft broadcast.[2] Anyway it is one I had always intended to make clear to conference.

3. Sultan Ahmed, Noon, Ambedkar, Srivastava, Jogendra Singh, Azizul Haque and Khare put in signed statement at second meeting containing following five points.

First. Declaration of "complete dominion status forthwith" should be made immediately as no national government can work under present constitutional

[1] The references are to para. 10 of Appendix to No. 423 and para. 12A of Appendix to No. 474 although Lord Wavell may intend his second reference to relate to para. 12B of Appendix to No. 474.

[2] See No. 473.

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limitations such as Governor General's veto, overriding power of Secretary of State and commercial safeguards. India is not interested in interim arrangements but in final settlement and without suggested declaration proposals have no repeat no chance of success.

Second. If interim arrangement is inevitable it should be made after and not before general elections to central legislature which should take place as soon as possible.

Third. If Conference is convened new members of Council must enjoy full confidence and support of their respective parties and parties must undertake to continue confidence and support for duration of war.

Fourth. Members of working committee should be released before announcement is made.

Fifth. Conference should be enlarged to include representatives of those who have supported war effort.

Asoka Roy said he agreed with this statement except first point on which he did not feel qualified to give opinion.

4. Benthall said he agreed to a move but thought general elections to central legislature must come first.

5. I do not think first point in written paper needs serious consideration. None of the signatories could explain how dominion status could be given without responsibility of executive to present Indian legislature which Moslem League would certainly not accept. Nor are Benthall's views at all clear. I explained the objections to general election in present atmosphere which would exacerbate (? communal) feeling and would not produce fresh leaders or probably any great change in party representation. I accepted the *third* point in written statement which is (? precisely) the same as that made by my supporters. I was also quite prepared on *fourth* point (and my supporters agreed) to recommend to His Majesty's Government the release of working committee simultaneously with announcement. On *fifth* point I said Premiers of Bengal, Punjab, Assam and Sind and ex-Premier of Orissa had supported war effort, that others had not been hostile and that we would [? could] not by-pass Congress and Moslem League. I had no intention of handing over Executive Council to any one political party or to those who would not support the war. Finally I said I would repeat Council's views to you, but hoped His Majesty's Government would instruct me to go ahead as I believed the proposals were best possible at present.

6. On points of detail, Firoz[3] favoured omission of members of Council from conference as it is feared they may be accused of (? obstruct)ing a settlement. Ambedkar promised to suggest (? the) name of a scheduled caste leader as substitute for himself. Council favoured inclusion of Shyama Prasad Mukherji, President, Hindu Mahasabha, and also leader of European group in

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Assembly. Some members favoured immediate release of working committee before announcement is made, but all would accept release simultaneously with and as part of announcement.

7. In immediately succeeding telegram I suggest certain minor amendments in draft of statement and broadcast. Changes in composition of conference are not very important.

8. Reasons for strong opposition in Council are obscure. Members are hurt because they were not fully consulted and permitted to prepare a plan before I went home. I explained that His Majesty's Government would have had good reason for annoyance if I had tried to mobilise Indian opinion before discussions in London. Many of them have grown increasingly nervous and annoyed at political attacks during my long absence. Desai has been boastful and truculent and members are still obsessed by the idea that Cabinet have accepted *his* plan. Generally there is an atmosphere of suspicion and hurt feelings, but at the end I was assured by Council as a whole that they would stand by me until the results of conference were known. Ambedkar and Sultan Ahmed hinted at resignation after conference if it failed, but I do not think entire Indian element would resign.

9. I recommend that I should be authorised to proceed with proposals. I consider early move essential and Council's view that elections to Central Legislature, which could not be completed for months, would improve matters is entirely mistaken. Proposals have I think a very reasonable chance.

10. I know how hard pressed Cabinet is but hope that decision will be given to me as early as possible and at any rate not later than June 10th.

[3] 'Council' in Wavell Papers, Political Series.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 213

MOST IMMEDIATE NEW DELHI, *7 June 1945, 1.30 am*
Received: 7 June, 2.00 am

No. 963–S. Superintendent Series. My immediately preceding telegram. If my view is accepted I recommend the following amendments in the Draft Statement and broadcast.

2. Statement. There is no repeat no essential amendment but last 6 words of first sentence of paragraph 17[1] might be omitted. I returned to India on June 4th

[1] See Appendix to No. 423.

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and announcement will be made on the 13th. Cabinet may wish to insert statement about release of Working Committee on the line proposed for broadcast.

3. Broadcast.[2] Paragraph 1. For "deadlock" read "situation". For "laid before" read "explained to". In the last sentence read "to explain to you the proposals".

Paragraph 3. In second sentence after "propose" insert "with the full support of His Majesty's Government" and for "in" substitute "of". Omit last sentence which might be read as implying habitual interference by Governor General in the interest of Great Britain.

Paragraph 4. In the first sentence for "very considerable" substitute "definite".

Paragraph 6. Omit last sentence which concerns selection of representatives to Peace Conference etc.

Paragraph 7. In first sentence for "government" substitute "Council". For third sentence read "the leader of Congress party and deputy leader of Moslem League in Central Assembly; the leader of Congress party and Moslem League in Council of State; (? also) leaders of Nationalist party and European group in assembly". I overlooked fact that Jinnah is officially leader of Moslem League in Council of State[3] and he cannot be included twice. Liaquat Ali Khan his deputy is *de facto* leader. Reference to Nationalist Party is correction of inaccuracy. Council favoured inclusion of European group leader. Omit fourth sentence referring to two senior members of Council. After fifth sentence insert "Doctor Shyama Prasad Mukherji to represent Hindu Mahasabha". In last sentence omit "Doctor Ambedkar". I will telegraph name later. I do not think Cabinet approval to selection of substitute is needed.

Paragraph 8. For "I may"[4] substitute "fresh". For fourth sentence substitute "I also hope that it will be possible for Ministries to reassume office and again undertake task of Government in Provinces now administered under Section No. 93 of Constitution Act and that these Ministries will be coalitions". In fifth sentence after "should" insert "paraphrase".[5]

Paragraph No. 9. In first sentence for "co-operating" read "working".

Paragraph No. 11. For second sentence substitute "on recommendation of my council, and with approval of H.M.G., orders have been given for release of members of working committee who are still in detention. I propose to leave final decision about others to new Central Government, if formed, and to Provincial Governments." (The only person to be invited to conference who is in detention is Shukla. He is not a member of working committee and I would have him released separately). For last sentence substitute "the appropriate time for fresh elections for Central and Provincial legislatures will be discussed at conference."

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Paragraph No. 12. In fourth sentence after "aspiration and" insert "progress toward".

4. I have included textual amendments suggested at final Cabinet Meeting and noted by me at time. I am not sure that I got them all accurately but they were not of great importance.

[2] See No. 473. [3] This should read 'Legislative Assembly'.
[4] In tel. 1001-S of 10 June, Lord Wavell informed Mr Amery that 'I may' should read 'latest'. L/P&J/8/522.
[5] '"unfortunately"' in Wavell Papers, Political Series.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/18: f 183

PRIVATE *7 June 1945*

No. 964-S. Superintendent Series. My official telegrams of to-day.[1] I have had most difficult time with Council and discussions spread over three meetings, one on 5th and two on 6th June.

2. Main opposition is led by Sultan Ahmad. I had a long talk with him after second meeting. He was friendly and said that he and his colleagues would acquiesce in my proceeding with proposals as long as I asked for nothing from Council than passive acquiescence[2] to (corrupt group) attitude was summed up in question "for what fault are we being dismissed?"

3. Rowlands, who is known to Cabinet, recently[3] said quite bluntly that from administrative point of view the present situation was intolerable. Many big policy questions are awaiting decision which present Government in India are unwilling to decide while the outlook is so uncertain. A change must therefore be attempted now, and he was not prepared to submit to delay and uncertainty of general election.

4. In spite of a special caution about secrecy, Associated Press this afternoon carried accurate summary of this morning's Council proceedings. This illustrates my difficulties. It is almost impossible to transact business when course of discussions in Council is public property. I spoke very seriously to Council at afternoon meeting, and I think great majority were genuinely surprised and upset at leakages. I think leakage may be due to irresponsibility of one member

[1] Nos. 479 and 480.
[2] Wavell Papers, Political Series, ends the sentence after 'acquiescence' and begins a new one: 'His attitude was . . .'
[3] 'recently' omitted in Wavell Papers.

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or his wish to prejudice proposals and to represent Indian members of Council as more liberal than His Majesty's Government and myself. Associated Press cancelled telegram at official request but it may be carried in some Indian papers and in home papers through Reuter.

5. Please make this telegram or any part of it official if you think fit.[4]

[4] The tel. was made official with the omission of the words in para. 1 'I have had most difficult time with Council and', the omission of all words in para. 2 after 'acquiescence', and the omission of paras. 4 and 5 completely. L/P&J/8/522: f 212.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 198

IMMEDIATE NEW DELHI, *7 June 1945, 7.55 pm*
Received: 7 June, 10 pm

970–S. Superintendent series. Ambedkar Srivastava and Khare have this morning submitted joint note[1] protesting against proposed equality for caste Hindus and Moslems and asserting that the proposals approved by His Majesty's Government are unfair both to Hindus and to the Scheduled castes. They consider that caste Hindus should have a majority over Moslems and that Scheduled castes should have more than one member. They ask that their views be communicated to His Majesty's Government.

2. The short answer is that the proposals approved by His Majesty's Government are for an interim arrangement only and that the main object at present is to get the parties to work together. I see no reason to modify views already expressed in my official telegrams.

[1] This note is printed in Wavell Papers, Political Series, April 1944–July 1945, Pt. I, pp. 209–10.

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Dr Ambedkar to Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt I, pp. 207–9

NEW DELHI, *7 June 1945*

Dear Lord Wavell,

I am grateful to you for asking me in my capacity as the leader of the Scheduled Castes to be a member of the Conference which you propose to call in

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furtherance of your proposal for the Indianisation of the Executive Council. I told you, for reasons which I need not repeat here, that I am unable to accept your offer. Thereupon you desired me to name a substitute. Though I have expressed my disapproval with your proposals, I do not wish to deny you such help as you may derive from the presence of a Scheduled Caste representative in your Conference. I am, therefore, prepared to suggest a substitute. Judging on the suitability of various names that occur to me, I cannot think of any other name than that of Rao Bahadur N. Siva Raj, B.A., B.L. He is the President of the All-India Scheduled Castes Federation and is also a member of the Central Legislative Assembly and of the National Defence Council. If you like you may invite him to the conference as a representative of the Scheduled Castes.

2. There is one other matter to which I feel I must draw your attention right now. It relates to the extreme inadequacy of the representation given to the Scheduled Castes in His Majesty's Government's proposals for the reconstitution of the Executive Council. Five seats to 90 millions of Muslims, one seat to 50 millions of Untouchables and 1 seat to 6 millions of Sikhs is a strange and sinister kind of political arithmetic which is revolting to my ideas of justice and commonsense. I cannot be a party to it. Measured by their needs, the Untouchables should get as much representation as the Muslims, if not more. Leaving needs aside and taking only numbers the Untouchables should get at least three. Instead, they are offered just one in a Council of fifteen. This is an intolerable position.

This is a matter to which I drew your attention at the meeting of the Executive Council held on the 5th June when you explained His Majesty's Government's proposals to the Council. At the meeting of the 6th morning you replied to the criticisms offered by Members of Council the previous evening on the merits of the proposals. I naturally expected that you would also deal with the point I had raised. But to my great surprise you completely ignored it and made no reference to it whatever. It could not be that I was not emphatic enough. For I was more than emphatic. The conclusion I draw from your omission to refer to it is that either you did not think the matter to be of sufficient importance to deserve your notice or that you thought that I had no intention beyond lodging a protest. It is to remove this impression and to tell you in quite unmistakable terms that I propose to take definite action should His Majesty's Government fail to redress the wrong that I feel the necessity of writing this letter.

I would not have felt as hurt as I do if such a proposal had come from the Congress or the Hindu Mahasabha. But it is a decision by His Majesty's Government. Even the general Hindu opinion is in favour of increased representation to the Scheduled Castes both in the Legislature and in the Executive. To take the proposals of the Sapru Committee as an indication of general Hindu

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opinion, the proposal of His Majesty's Government must be admitted to be retrograde. For, this is what the Sapru Committee has said:—

"the representation given to the Sikhs and Scheduled Castes in the Government of India Act is manifestly inadequate and unjust and should be substantially raised. The quantum of increased representation to be given to them should be left to the Constitution-making Body."

"Subject to the provisions of clause (*b*) the executive of the Union shall be a composite cabinet in the sense that the following communities shall be represented on it, *viz.*—

(*i*) Hindus, other than Scheduled Castes.
(*ii*) Muslims.
(*iii*) Scheduled Castes.
(*iv*) Sikhs.
(*v*) Indian Christians.
(*vi*) Anglo-Indians.

"(*b*) The representation of these communities in the executive shall be, as far as possible, a reflection of their strength in the Legislature."

I may add that two of my Hindu colleagues in the Executive Council have in the memorandum they have presented to you this morning[1] expressed that the representation given to the Scheduled Castes in His Majesty's Government's proposals is inadequate and unfair. What shocks me [is] that His Majesty's Government with all their profession of being trustees for the Scheduled Castes and contrary to their repeated declarations should have treated their wards in such an ill-liberal, unfair and unjust manner and far worse than enlightened Hindu opinion would have done. I feel it, therefore, my bounden and sacred duty to oppose the proposal by every means at my command. The proposal means a deathknell to the Untouchables and will have the effect of liquidating their efforts over the last 50 years for their emancipation. If His Majesty's Government notwithstanding its many pronouncements wish to hand over the fate of the Untouchables to the tender mercies of a Hindu-Muslim combine, His Majesty's Government may well do it. But I cannot be a party to the suppression of my people. The conclusion to which I have come is to ask His Majesty's Government to redress the wrong and to give to the Untouchables at least 3 seats in the new Executive Council. If His Majesty's Government is not prepare[d] to grant this, then His Majesty's Government should know that I cannot be a member of the newly-constituted Executive Council, even if I was offered a place in it. The Untouchables have been looking forward to a full recognition of their political rights for some time past. I have no doubt that they will be stunned by the decision of His Majesty's Government. And I would not be surprised if the whole of the Scheduled Castes decided as a matter of protest not to have anything to do with the new Government. I am

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sure their disillusionment will bring about a parting of the ways. This is what I anticipate will be the result of His Majesty's Government's proposals, if they are not revised. So far as I myself am concerned, my decision is made. I may be told that this is not the final shape of things. This is only an interim arrangement. I have been long enough in politics to know concessions and adjustments more [? once] made grow into vested rights and how wrong settlements once agreed upon become precedents for future settlement. I cannot therefore allow grass to grow under my feet. If I have capacity to judge aright, I visualize that the distribution of seats though it begins as a temporary arrangement will end by becoming permanent. Rather than be left to regret towards the end, I feel I must lodge my protest against it at the very beginning.

It may well be that His Majesty's Government may not mind my eclipse and even the eclipse of the Scheduled Castes from the future Government of India: nor regret the consequent parting of the ways between the British Government in this country and the Scheduled Castes. But I believe it is only fair that His Majesty's Government should know what I have to say about the subject. I have therefore to request you to communicate to His Majesty's Government my proposal for increase in the representation of the Scheduled Castes in the Executive Council and the course of action I propose to take if the proposal is rejected by them.

I am,
Yours sincerely,
B. R. AMBEDKAR

[1] See No. 482.

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Cabinet Paper C.P. (45) 21

L/P&J/8/522: ff 208–9

INDIA POLICY

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *7 June 1945*

I circulate herewith a telegram[1] received from the Viceroy reporting the result of his consultation with his Council on the decisions reached during his visit, and a separate telegram[2] commenting on the discussion.

2. I agree with the Viceroy that the points made by the Indian Members of his Council as reported in paragraph 3 of telegram 962–S are either sufficiently

[1] No. 479. [2] That part of No. 481 which had been made official. (See No. 481, note 4.)

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met by the proposals already approved or are impracticable. In particular, the suggestion that there should be fresh elections to the Central Legislature before the proposed announcement seems certainly ill-advised.

3. The further telegram[3] referred to in paragraph 7 of telegram 962-S contains a number of amendments to the Viceroy's broadcast. Most of these are small amendments of wording. The only ones of substance are:—

(i) The inclusion in the list of those to be invited to the conference of Dr. Mukherji, to represent the Hindu Mahasabha, and the leader of the European Group in the Legislative Assembly.

(ii) The omission (in the light of the attitude of Council reported in paragraph 6 of telegram 962-S) of the two senior members of the Executive Council from those to be invited.

(iii) The substitution similarly for Dr. Ambedkar of another leader of the Scheduled Castes, chosen on Dr. Ambedkar's recommendation.

(iv) The revision of the passage about the release of the Working Committee to read:—"I have not so far mentioned a matter which I know holds considerable importance in the minds of many of you, the release of those still under detention as the result of the 1942 disturbances. On the recommendation of my Council and with the approval of His Majesty's Government orders have been given for the release of the members of the Working Committee who are still in detention. I propose to leave the final decision about the others to the new Central and Provincial Governments when formed." (This is in accordance with the discretion given to Lord Wavell in the light of the attitude taken by his Council on this question).[4]

(v) The inclusion of a statement that the appropriate time for fresh elections to the Central and Provincial Legislatures will be discussed at the Conference.

4. The only alterations suggested by the Viceroy in the official statement are:

(*a*) The omission of the last six words of the first sentence of paragraph 17. These are no longer appropriate and their omission may be agreed to.

(*b*) The inclusion of a statement about the release of the Working Committee on the lines of 3(iv) above. I do not think this would be appropriate as it is expressed to be an act of the Government of India, but I would propose to cover the point in similar terms in my remarks after I have read the statement to the House.

5. I recommend that the Viceroy be authorised to proceed as he proposes and that I should make the statement in the House on Wednesday or Thursday

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next. I would propose to arrange for the text of the official statement to be available in the Vote Office as a White Paper by the beginning of Question Time on that day.

L.S.A.

[3] No. 480. [4] See No. 476.

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Note by Mr Amery

L/E/8/3821: f 294

NOTE OF SECRETARY OF STATE'S TALK WITH SIR ARDESHIR DALAL AT THE INDIA OFFICE ON WEDNESDAY, 7TH JUNE 1945[1]

I told Sir Ardeshir that he must realise that he had come at an unfortunate moment—on the eve of an election and with a change in many important Ministries, more particularly the Board of Trade. It was quite impossible for the Government in these circumstances to go closely into a detailed examination of his proposals and the only answer they could give was that they were not prepared under present circumstances to consider any change. Moreover, his difficulties were in large measure hypothetical and had not yet actually arisen. If and when they did arise in specific instances, then would come a much better opportunity for considering what adjustment might be feasible to meet them. I then told him in confidence about the proposal for a U.K. High Commissioner and pointed out that if, when the question became actual, he could convince a High Commissioner of the need for such an adjustment, the latter would be in a much stronger position to convince the Government here than he had been himself on his present visit. I added the importance of avoiding publicity which might attract questions to which I should have to give a negative answer, pointing out that while many members of the F.B.I. might be willing to acquiesce in changes, there might be not a few others who objected and who could always ensure the question being raised in Parliament. He saw the force of this and indeed added that he had himself after discussion with Lord Wavell decided not to distribute his White Paper[2] to the F.B.I. generally. He admitted frankly that the real difficulty was political and that the present unholy alliance of Congress and Muslim League in the Assembly would make the most of it when the Assembly meets in September. I could

[1] See No. 469, Minute 2.

[2] This may refer to the Govt of India's Statement of Industrial Policy (see No. 434, para. 3) which had been reprinted in the style of a White Paper or it may refer to the Executive Council's memorandum on commercial safeguards (summarised in Annex to No. 418) which Sir A. Dalal had evidently brought to London as a draft White Paper.

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only suggest that much may have happened by then. He was naturally eager to know what is proposed in the political field and pointed out that if he had been in India he would be one of the Executive to be consulted. I said that if the Debate is on the 13th he would be able to hear it, but that if he is leaving on the evening of the 13th and the Debate is on the 14th, either I or Sir David Monteath could on the 13th tell him confidentially what is in contemplation.

L.S.A.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET

INDIA OFFICE, *7 June 1945*
Received: 15 June

Your telegrams[1] about the Council's attitude have just come in. I hope to bring them before the Cabinet tomorrow, but I do not think that they are likely to influence the Cabinet's decision in any way. After all, some of the points, e.g., immediate Dominion status or immediate elections, are impracticable, while others like the release of Congress leaders have already been accepted here. I am really sorry that the members of the present Executive are not included in the conference. I thought myself that that was not only a good idea in itself, but one that could commend itself to your Council. However, there it is.

2. Considering all the difficulties, I do feel that in spite of exasperating delays we managed to pull off quite a big thing. Whether it now comes to fruition or not, we shall stand justified as having made a really honest attempt to help India forward to the fullest extent possible so long as there is no agreement upon the ultimate constitution. I am truly happy to think that we have been so entirely at one throughout all these difficult discussions and I hope I may be allowed by fate to continue working with you after the election is over. However, if the plan comes off, my help this end may possibly not be so important to you as it has been hitherto.

3. I enclose a copy of a letter just received from Oliver Stanley about Ceylon, which you might take note of.

4. I telegraphed to you on the 4th June[2] about Casey's wish to retire from Bengal in March 1946. While the question of a successor to him must clearly wait until after the election, I should be glad to have your preliminary views. It has occurred to me that if asa result of the political conversations Rowlands

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ceases to be Finance Member he might be an admirable choice for Bengal. Apart from his wide administrative experience, he has had two spells in different capacities at the Centre in Delhi and his recent enquiry into the administrative organisation in Bengal must have given him considerable insight into Bengal affairs. On the other hand, Rowlands is, I think, also a possible for the appointment of United Kingdom High Commissioner in India. I do not know yet what salary the Treasury would be prepared to pay for that appointment and it may be that it will not be quite good enough for Rowlands, who has an undertaking from the Treasury that he will be placed in an appointment at the head of a first class Department here if his prospects in India are prematurely brought to an end. There is also, of course, the point that Rowlands, having been a member of the Government of India, even though for a short time, might not be regarded by the Indian public as a proper person to take over the representation of His Majesty's Government's special interests, some of which will be closely connected with matters which he has been handling as Finance Member.

[Para. 5, on the staffing of I.C.S. and I.P. Selection Boards; and para. 6, on Lady Wavell's health, omitted.]

PS.—Cabinet much perturbed by your Council's suggestions have agreed that you shall go ahead. All's well so far.

Enclosure to No. 486

Colonel Stanley to Mr Amery

COLONIAL OFFICE, DOWNING STREET, S.W.1, *6 June 1945*

Dear Leo,

Thank you for your letter of the 30th May[3] about Ceylon which I agree correctly states the conclusions we reached.

I know that you will appreciate my anxiety that whatever the various alternative possibilities are which Wavell may place before his Council, they should not be such as would unnecessarily embarrass His Majesty's Government

[1] Nos. 479, 480, and 481.

[2] In tel. 362 of 4 June Mr Amery informed Lord Wavell he had received a letter from Mr Casey saying that the next Australian Commonwealth election was due in August 1946 and he (Mr Casey) considered there was an obligation on him to be back in Australia in time to contest a seat. Mr Amery felt they were committed to meet Mr Casey's wishes as his appointment had been on a wartime basis. (See Vol. IV, Nos. 212 and 223.) He had therefore told Mr Casey he felt it would be best if they aimed at making a new appointment by March 1946. L/PO/10/18.

[3] This letter agreed to Colonel Stanley's suggestion that the Govt of India should not be shown in advance the *Report of the Commission on Constitutional Reform in Ceylon* (Cmd 6677). However, Lord Wavell might consult his Council orally and place before them a number of alternative possibilities (one of which would be close to the course recommended in the Report) thus enabling Council to frame the representations they would wish to make to H.M.G. L/P&J/8/199.

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here. While therefore I would not think it reasonable to go so far as to ask to be consulted beforehand as to the substance and timing of the oral statement which Wavell would propose to make to his Executive Council, I hope that if in due course I find it necessary to make any suggestions on those matters in order to ease my position on the Ceylon side, he would be able to give them all possible consideration.

I will, of course, send you under Secret and Personal cover as soon as possible two copies of the Commission's Report as requested in the closing paragraph of your letter.

Yours sincerely,
OLIVER STANLEY

487

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 194

IMMEDIATE NEW DELHI, *8 June 1945, 6.10 pm*
Received: 8 June, 6.30 pm

976–S. Superintendent Series. My telegram 970–S[1] of 7th June. On the afternoon of that date Ambedkar put in further written representation[2] (1) suggesting Rao Bahadur N. Siva Raj as substitute for him at conference, and (2) expressing grave concern at alleged decision of His Majesty's Government to appoint only one scheduled caste representative to new Council. He thought that this would make scheduled caste[s] reject proposals and he would not himself be prepared to serve on an Executive Council including fewer than three scheduled caste members.

2. I saw Ambedkar this morning. Siva is obvious choice as substitute for him and I have agreed to include him. On second issue I explained that there would be nothing in your statement or in my broadcast to limit the number of scheduled caste members. But our intention had been to adhere roughly to composition of present Executive Council. New Executive Council would be genuinely an interim body and its composition would not affect final settlement. Ambedkar was not satisfied and asked me to communicate his views to you. He wants something included in statement and broadcast about increased scheduled caste representation. He would be satisfied with a statement that two would be included.

3. Difficulty is that whereas present constitution provides under communal award[3] for representation of scheduled caste[s] in provincial legislatures transitional provisions leave them unrepresented in central legislature except by two members in Assembly and one in Council of State, all nominated. Even if we

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work on representation in federal legislature included in first schedule to Constitution Act we should hardly be justified in appointing two scheduled caste members in Council of say 14 Indians. Conference [might] agree to two scheduled caste members, but this might lead to similar demands from Sikhs, Indian Christians and Shias. Gandhi might regard announcement in advance of Conference as attempt to create further vested interest against him. Moreover strength of new Council is uncertain and no numbers can be stated in advance of Conference.

4. I have every sympathy for scheduled caste[s] and would see no objection to personal message on following lines from you to Ambedkar through me. *Begins:* Viceroy has informed me of your views on representation of scheduled caste[s] in new Executive Council if one is formed. You have Viceroy's sympathy and my own and Viceroy will bear in mind and bring forward at his conference the need for adequate and effective representation. We cannot announce number[s] beforehand as strength of Council is matter for determination at Conference. *Ends.*

I am opposed to inclusion in statement or broadcast of any specific reference to scheduled caste[s].

[1] No. 482. [2] No. 483. [3] See No. 259, note 4.

488

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 193

IMMEDIATE NEW DELHI, *8 June 1945, 5.40 pm*
Received: 8 June, 4.15 pm

977-S. Superintendent series. Statement and broadcast. It has been put to me by those in touch with Indian opinion that any proposals will stand far better chance of acceptance if hope of long term solution is stressed. Point is dealt with in paragraphs 5 and 21 of statement[1] and paragraph 6 of broadcast.[2] I do not think statement need be amended but should like to add following to paragraph 6 of broadcast. *Begins:* This third task is most important. I want to make it quite clear that neither I nor His Majesty's Government have lost sight of the need for a long term solution and that the present proposals are intended to make a long term solution easier *Ends.* Apart from publicity value addition on these lines might stimulate parties to put forward their best men. I hope you will agree.

[1] See Appendix to No. 423. [2] See No. 473.

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Field Marshal Viscount Wavell to Sir B. Glancy (Punjab)

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt I, p. 222

IMPORTANT *8 June 1945*
PERSONAL
SECRET

No. 982–S. My letter of 7th June.[1] I think it likely that Firoz will do his best to alarm Khizr and make things as difficult for me as he can. Though I know that you, like Khizr, have serious doubts about the wisdom of a move of this sort I can rely on you to further the policy approved by His Majesty's Government and to do your best with Khizr. Please explain my proposals to him in confidence and tell him I have no (repeat no) intention of handing over Central Government to any one party. If the Conference comes off I shall hope for Khizr's advice and help. An interim Government of the kind proposed might prove a useful step towards inducing Muslims to abandon the Pakistan objective. At any rate Khizr knows me well enough to understand that I have the interest of the Punjab and its soldiers at heart.

[1] To all Governors summarizing H.M.G.'s proposals. Wavell Papers, Political Series, Pt. I, pp. 211–15.

490

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 182

PRIVATE *8 June 1945*

985–S. Superintendent Series. My private telegram No. 964–S of June 7th.[1] Opposition of my Indian colleagues and disclosure of Council proceedings have not impressed nationalists. *Hindustan Times* this morning criticised Indian members for transparent attempt to prejudice H.M.G.'s proposals on selfish grounds. I am told this feeling is general.

2. Srivastava asked to see me this afternoon. After reference to his ill-health he said that document signed by seven members had been prepared in a hurry. Reference to Dominion status forthwith only meant that importance of long term solution should be stressed. Question of when election should be held was matter of opinion. He said I could count on his loyalty to me. I will keep you informed of developments. Please treat this as official if you wish.

[1] No. 481.

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491

Cabinet

India Committee. I (45) 27th Meeting

L/PO/6/108d: ff 182–4

Those present at this Meeting held in Conference Room 'B', Offices of the Cabinet and Minister of Defence, Great George Street, S.W.1, on 8 June 1945 at 10.30 am were: Viscount Simon (in the Chair), Sir John Anderson, Mr R. A. Butler, Mr Amery, Colonel Oliver Stanley; Sir Edward Bridges and Mr E. A. Armstrong (Secretariat)

INDIA

Constitutional Position

The Committee met to give preliminary consideration, before the meeting of the Cabinet to a memorandum by the Secretary of State for India (C.P. (45) 21)[1] covering a telegram from the Viceroy reporting the result of his consultations with his Council on the proposals approved by the Cabinet on the 31st May.[2]

The following were among the main points dealt with in discussion:

(*a*) Attention was drawn to paragraph 3 of telegram 962–S,[3] giving the substance of a signed statement put forward by seven named members (including three Moslems) of the Viceroy's Council. This contained the following statement:

> "Declaration of complete dominion status should be made forthwith . . . India is not interested in interim arrangements but in final settlement and without suggested declaration proposals have no repeat no chance of success".

In his comments (paragraph 8) the Viceroy had said that the reasons for the strong opposition in his Council were obscure but later (paragraph 9) that the proposals had, in his view, a very reasonable chance.

(*b*) It was difficult to understand on what grounds the Viceroy based this latter view having regard to the strong objections raised by the Indian members of the Viceroy's Council. The Viceroy's attitude to the objections put forward by the Indian members of his Council was felt to be somewhat disturbing.

(*c*) It might well be that the seven Indian Members of the Viceroy's Council in putting forward their demand for "complete dominion status forthwith" were partly influenced by the desire not to appear behindhand in expression of national sentiments. Nevertheless there now seemed very

[1] No. 484. [2] No. 476. [3] No. 479.

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little likelihood indeed, that the proposals would be accepted. Moreover, assuming that the proposals were rejected, it was likely that the Viceroy would find great difficulty in obtaining an effective Council. There were already threats of resignation—see paragraph 8 of telegram 962–S.

(*d*) Notwithstanding all these difficulties, it was, however, generally felt that there was probably no practicable alternative to the Viceroy proceeding with the proposals. They could no longer be regarded as secret. The gist of the proposals was probably fairly well known by now in India; and it would not be fair to put on the members of the Viceroy's Council who objected to the proposals any responsibility for not proceeding with them.

The Committee invited the Lord Chancellor to make an oral report at the meeting of the Cabinet later in the morning on the above lines.

492

Cabinet C.M. (45) 6th Conclusions, Minute 3

L/PO/6/108d: ff 180–1

Those present during discussion of item 3 of this Meeting held at 10 Downing Street, S.W.1, on 8 June 1945 at 11.30 am were: Mr Churchill (in the Chair), Sir John Anderson, Lord Woolton, Mr Oliver Lyttelton, Mr R. A. Butler, Sir Donald Somervell, Mr Amery, Colonel Oliver Stanley, Mr Brendan Bracken, Mr Harold Macmillan, the Earl of Rosebery

Also present during discussion of item 3 were: Viscount Simon, Mr William Mabane

INDIA

Constitutional Position

The Cabinet had before them a Memorandum by the S/S for India (C.P. (45) 21)[1] covering a telegram received from the Viceroy reporting the result of his consultation with his Council, on the proposals approved by the Cabinet on 31st May.[2]

The main point of the telegram was that the Indian members present at the meetings of the Council on the 5th and 6th June, had with one exception put in a statement of which the chief feature was that in their view a declaration of "complete dominion status" should be made immediately, as no National Government could work under the present constitutional limitations; that India was not interested in interim arrangements, but in a final settlement; and that without such a declaration the proposals had no chance of success.

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THE LORD CHANCELLOR reported that the India Committee, who had considered the telegram that morning, were disturbed that the Viceroy should take the view that the proposals still had a chance of acceptance, notwithstanding the very unfavourable reception which they had had from the Indian Members of the Council. The India Committee thought that it was now certain that the proposals would be rejected. Moreover, it now looked as though the offer might well result in an agitation for complete dominion status on the part of representatives of all the main political parties in India. Nevertheless the India Committee had felt that, matters having gone so far, it was impossible not to proceed with the Viceroy's proposals. Their substance had already become known in India. Furthermore, a decision not to proceed with the proposals on the grounds that the members of the Viceroy's Council were opposed to them, would put the members of the Council, who had served us well, in a false position.

The point was also made that if, as it seemed almost certain, the offer was rejected, the Viceroy might have great difficulty in retaining an effective Council. It was clear that many of the existing members were greatly disturbed by what had taken place, and that there would probably be several resignations.

After discussion the Cabinet agreed as follows:—

(1) The India Committee were invited to meet that afternoon and draft a reply to the Viceroy, for submission to the Prime Minister. This reply would include the following points:—

(*a*) In the Cabinet's view there was virtually no likelihood that the Viceroy's proposals would now be accepted and the Cabinet were both puzzled and disturbed by the fact that the Viceroy should state that he thought the proposals had a reasonable chance of acceptance, notwithstanding the line taken by the Indian members of his Council.

(*b*) Nevertheless, matters had now gone so far, and information about the proposals had become known to such an extent, that the Cabinet agreed that the Viceroy should proceed to make his offer.

(*c*) In the situation which had arisen, and in view of the likelihood that a demand would be raised for an immediate declaration of "complete dominion status" it was all the more necessary that the Viceroy should adhere rigidly to the terms of his proposals as approved by the Cabinet and should not make any advance whatever therefrom or be drawn into any form of negotiation.

(*d*) When the Viceroy had made his offer he should report to London how it was received before any further action was taken.

(2) As it was now virtually certain that the Viceroy's proposals would be rejected, the Secretary of State should amend any passages in his draft

[1] No. 484. [2] No. 476.

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statement to Parliament which might imply that we thought the proposals had a good chance of success. The amended draft should be submitted to the Prime Minister.

(3) Communications should be sent to Dominion Prime Ministers and H.M. Ambassador at Washington, timed to reach them a few hours before the Viceroy's statement, informing them of the Viceroy's proposals.

493

Mr Martin to Mr Turnbull

L/P&J/8/522: ff 191–2

SECRET AND IMMEDIATE 10, DOWNING STREET, WHITEHALL,
8 June 1945

My dear Turnbull,
Could you please arrange for the despatch of the enclosed telegram to the Viceroy resulting from this morning's Cabinet meeting. The draft was brought to the Prime Minister by the Lord Chancellor[1] and, as you will see, has been approved by Mr. Churchill.

Yours sincerely,
J. M. MARTIN

Enclosure to No. 493

DRAFT TELEGRAM FROM SECRETARY OF STATE TO VICEROY

The Cabinet considered this morning your telegrams 962–S and 964–S.[2] Concern was felt at the strong objections expressed by various members of your Council. The Cabinet expect that you will make it clear to these members of your Council that no action can be taken on the lines which they suggest.

2. The Cabinet note that in spite of these strong objections raised by members of your Council you express the considered view that the proposals have a very reasonable chance of general acceptance. They would welcome further information from you as to the reasons on which your judgement is based.

3. The Cabinet agree that there is no practical alternative before you at the moment but to proceed with the proposals previously agreed subject to the modifications of procedure set out in 963–S.[3]

4. I shall therefore make my statement in Parliament on Thursday, June 14, simultaneously with your broadcast. The Cabinet would be glad to have your

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estimate after your broadcast of how the proposals have been received in various quarters in India. They request that no further action should be decided upon until such a report has been rendered.

5. The Cabinet would be glad to be assured that you will state, in dealing with suggestions such as those put forward by members of your Council, that there is no possibility that you or H.M. Government would agree to any deviation from the fixed terms of the offer which they have sanctioned.[4]

[1] Following a meeting of the India Committee. I (45) 28th Meeting of 8 June. L/P&J/8/522.
[2] Nos. 479 and 481. [3] No. 480.
[4] This draft, with unimportant amendments, was sent as tel. 13051 of 8 June, 10.40 pm. L/P&J/8/522: f 191.

494

Sir D. Monteath to Sir E. Jenkins

Telegram, L/P&J/8/522: f 185

IMMEDIATE INDIA OFFICE, *8 June 1945, 11 pm*

13052. Superintendent Series. Jenkins from Monteath. Please refer to Secretary of State's telegram No. 13051.[1] It may appear to you that there is some inconsistency between authority given in para. 3 to proceed with proposals previously agreed and request at end of para. 4 to defer decision as to further action till report on reactions has been furnished. It is not clear to what words "no further action should be decided upon" are intended to refer but as proposals previously agreed include delivery of broadcast para. 7 of which announces decision to invite persons named to conference and consequential delivery of invitations it is at any rate clear that it is not that decision or action which is to be deferred. Obscurity is no doubt due to fact that Cabinet did not have text of broadcast before them when considering telegrams referred to.

[1] See No. 493, note 4.

495

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 175

IMMEDIATE NEW DELHI, *9 June 1945, 2.25 pm*
Received: 9 June, 3.30 pm

No. 990-S. Superintendent Series. Your 13051[1] of June 8th. *Last sentence of paragraph No. 1 and paragraph No. 5.* I have already made position clear to

[1] See No. 493, note 4.

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Council [and] quite understand that there can be no deviation from fixed terms of offer. I will make this clear if any suggestions similar to those put forward by Council are made to me.

2. *Paragraph No. 2.* I said proposals had reasonable and not repeat not very reasonable chance. I rely on press reactions which (? so far) indicate at least a willingness to consider the proposals. *Hindustan Times* has taken the line that proposals should receive serious consideration on their merits and that opposition by Indian members of the Council is insincere. This does not mean that proposals will necessarily be accepted but they are certainly worth making.

3. *Paragraphs 3 and 4.* I note that you will speak on Thursday June 14th. Please confirm that time is 3.15 p.m. double summer time. If so my broadcast will be 7.45 pm. Indian time. I do not repeat not understand last sentence of paragraph No. 4. My (? broadcast) announces proposal to hold Conference and issue of invitations. It therefore commits me to Conference if all concerned accept. If there were significant refusals e.g. by Gandhi or Jinnah or both I should of course really return[2] to Cabinet for further instructions. Similarly if Conference (corrupt group)[3] I should have to keep you fully informed and leave final decisions to Cabinet. I am assuming that Cabinet authorise me to adhere to original plan subject to report to them

(*a*) on general reactions to broadcast
(*b*) on response to invitations, and
(*c*) on daily proceedings of conference if held.

4. I assume all amendments to broadcast in my 963–S[4] are approved. I await decision on my 977–S.[5] I will telegraph finally when date and place of conference are known. India's persons[6] invited will have long journeys and 25th is probably earliest practicable date. Simla may be preferable to Delhi which will be very hot at the end of June. If there are (? any) textual amendments in your statement I should like to have them.

[2] 'of course have to return' in Wavell Papers, Political Series. [3] 'assembled' in Wavell Papers.
[4] No. 480. [5] No. 488. [6] 'Some of persons' in Wavell Papers.

496

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 174

IMMEDIATE NEW DELHI, *9 June 1945, 10.30 pm*
Received: 9 June, 11 pm

997–S. Superintendent Series. My 962–S[1] and 963–S[2] of June 7th. Casey has just brought to my notice consistently anti-British and anti-Allies character of

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articles in Shyama Prasad Mookerjee's paper *Nationalist* which was founded at end of 1944. Mookerjee is bitterly communal as well and would (? ultimately)[3] refuse to co-operate with me or with other leaders. I have therefore decided to drop him. My original plan did not repeat not include invitation to Mahasabha, and I am sure this was right and advice of Council wrong.

[1] No. 479. [2] No. 480. [3] 'clearly' in Wavell Papers, Political Series.

497

Sir B. Glancy (Punjab) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt I, p. 226

IMPORTANT *9 June 1945*
SECRET

No. 17–G. Your telegram No. 982–S[1] of 8th June. I have explained proposals to Khizr. He has every intention of attending conference and I fully believe he will adopt a reasonable attitude. He asks me to thank you for your message which he greatly appreciates.

[1] No. 489.

498

Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: ff 180–1

IMMEDIATE INDIA OFFICE, *9 June 1945, 7.15 pm*
SECRET

13076. Superintendent Series. My telegram 13051.[1] Paragraph 3. Please delete "962 and".[2] Paragraph 4. Intention is that Secretary of State will make statement at 3.15 B.S.T. on June 14th repeat June 14th. There will probably be a debate. Statement will be made in Lords on same afternoon and will probably be debated there too. It has been necessary to postpone time for 24 hours to suit House of Commons business. Broadcast by you at 7.45 p.m. Indian time, as proposed in 983–S[3] but one day later will therefore be appropriate.

[1] See No. 493, note 4.
[2] These had been added before '963–S' in para. 3 of Enclosure to No. 493.
[3] L/PO/6/108d: f 169.

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2. Your 977–S[4] reached me after Cabinet had agreed reply in 13051. I am however prepared to agree to addition to broadcast you propose.

3. Presume you will issue my statement in India simultaneously with broadcast.

4. We shall telegraph text of statement and guidance material for press purposes to Ambassador, Washington, and Dominions Govts. on evening of 13th June.

6. [5.] Dalal leaves here 13th or 14th. I propose to inform him just before announcement or his departure, but you may care to send him personal message. Presume you will inform Mudaliar direct.

7. [6.] Para. 11 of broadcast as now amended. Suggest insertion of words "of Congress" after "Working Committee".

[4] No. 488.

499

Field Marshal Viscount Wavell to the Nizam of Hyderabad, the Maharajas of Kashmir, Mysore, Gwalior, Travancore and the Nawab of Bhopal

Wavell Papers. Political Series, April 1944–July 1945, Pt I, pp. 227–8

THE VICEROY'S HOUSE, NEW DELHI, *9 June 1945*

No. 592/9/II

I think it right before any public announcement is made to inform $\frac{\text{Your Exalted}}{\text{Your}}$ Highness of the result of my recent discussion with His Majesty's Government on the Indian political problem.

2. As $\frac{\text{Your Exalted}}{\text{Your}}$ Highness will I am sure agree, it is not possible at present to put forward a comprehensive solution for India as a whole. The Congress and the Muslim League in British India have so far failed to reconcile their differences, and an immediate attempt to draft a final constitution—e.g., for a Federation or Union of Provinces and States—would certainly not succeed. His Majesty's Government therefore decided that the next move must be of an interim nature only, and must be confined to British India.

3. His Majesty's Government have accordingly authorised me to attempt to form a new Executive Council, from among leaders in Central and Provincial politics. The proposed Council would have a balanced representation of the main communities including equal proportions of Caste Hindus and Muslims.

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It would work, if formed, under the existing constitution. Its membership would be entirely Indian, except for the Viceroy and the Commander-in-Chief who would retain his position as War Member. This proposal will be announced in Parliament on 14th June, and in a broadcast on the same date I shall propose a meeting of British Indian politicians to consider the formation of the new Council. It will be made clear both in Parliament and in my broadcast that the proposal does not in any way alter the relations between the Crown and the Princes.

4. If the new Council is formed and works successfully, it may later feel able to consider plans for a long-term constitutional settlement. Should that happen, the Princes would of course be called into consultation at an early stage.

5. This letter is for $\frac{\text{Your Exalted}}{\text{Your}}$ Highness's personal information.

Yours sincerely,
WAVELL

500

Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: f 171

IMMEDIATE INDIA OFFICE, *11 June 1945, 4.25 pm*

13147. Superintendent Series. Your 976-S.[1] I agree that it is impossible to include any specific reference to Scheduled Castes in statement or broadcast. I do not think it is necessary for me to send a personal message to Ambedkar but I am in agreement with the line you took with him.

[1] No. 487.

501

Mr Amery to Viscount Simon

L/PO/6/108d: f 164

INDIA OFFICE, *11th June 1945*

My dear John,
I enclose a copy of the Viceroy's reply[1] to the telegram[2] issued on Friday night. I am circulating this to the Cabinet. I hope you will agree that I should inform

[1] No. 495. [2] See Enclosure to No. 493.

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him that he may proceed as he proposes. Clearly if the invitations are all accepted the conference must be held, but I think the Viceroy's proposals would ensure that the Cabinet is kept fully informed at all stages.

I am not sure whether you will think it necessary to trouble the Prime Minister, but if you feel that he should be asked to approve I should be most grateful if you would put the matter up to him urgently as we must let Wavell have a reply quickly.[3]

Yours ever,

L. S. AMERY

[3] Later on 11 June, Lord Simon's Private Secretary sent Mr Turnbull a copy of a Minute Lord Simon had sent Mr Churchill in which he said he felt No. 495 was satisfactory and that Lord Wavell must now be left to broadcast and report reactions. Lord Simon did not consider it necessary to bring the telegram before the Cabinet. L/PO/6/108d: ff 162–3.

502

Mr Amery to Mr Churchill

L/PO/6/108d: f 153

INDIA OFFICE, *11 June 1945*

Secretary of State's Minute: Serial No. P. 24/45

Prime Minister

In Conclusion 2 of the Cabinet Meeting on the 8th June (C.M.6 (45))[1] I was invited to amend any passages in the draft Statement to Parliament which might imply that we thought that the proposals had a good chance of success. I have looked through the draft Statement with this in view, but I am satisfied that it is so worded that it does not carry this implication, and I have therefore no amendments to submit to you.[2]

L. S. AMERY

[1] No. 492.

[2] It is not clear whether this minute refers to the Statement itself, or Mr Amery's speech on it.

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503

Mr Churchill to Mr Amery

L/PO/6/108d: f 152

10, DOWNING STREET, WHITEHALL, *12 June 1945*

Prime Minister's Personal Minute: Serial No. M.605/5

Reference: P.24/45[1]

Secretary of State for India

I understood that you were going to agree your statement with the Committee. This seems all the more necessary since the matter has become so important.[2]

W.S.C.

[1] No. 502.

[2] In India Committee Paper I (45) 85 of 12 June, Mr Amery circulated the text of what he intended to say to the Commons when he introduced the Statement already agreed by the Cabinet. L/PO/6/108d: ff 141–51.

504

Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,

No. 22. *12 June 1945*

As you know I resumed charge at Karachi on the afternoon of 4th June. We had a comfortable journey, and my wife stood it very well up to Karachi, where she had a bad night. But she got on to Delhi all right, and is now much better. She will keep clear of engagements until she has quite recovered.

[Para. 2, on the Viceroy's visit to Riyadh, omitted.]

3. I have cabled you about my Council meetings on 5th and 6th June.[1] I did not expect my Indian colleagues to like the proposals, and I thought some leakage was inevitable, but I was not prepared, after the caution I gave them at the first meeting, for the complete leakage that immediately occurred. I understand that they had become increasingly nervous and irritable towards the end of my absence and had decided to make a demonstration of some kind whatever the proposals might be. I am told that Firoz Khan Noon on his arrival also added fuel to the smouldering resentment. Their wisest line, both as

[1] Nos. 479–81.

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Members of Council and as politicians, would have been, if they did not like the proposals, to say so, but to help me with any modifications that might give the proposals a better chance, and to authorise me to say in my broadcast that Council had been consulted, had not thought it necessary to comment, but were in entire sympathy with any sincere attempt at political progress. Old Mohamed Usman was the only one who took this line. He refused to attend the meeting the others held to draw up a written protest, and said that while he entirely disagreed with the proposals he would give me his full and loyal support in making them, and afterwards if they failed. The others have rather let me down as colleagues, and do not seem to have gained anything as politicians or in public favour. Srivastava seems to have realised this, for, as I have already told you, he was quite apologetic when he came to see me a day or two ago. I am sorry to have made so quick a change about Shyama Prasad Mukerjee.[2] When Council proposed him I thought his inclusion reasonable, though he is communally bitter. It was not until later that I was informed by Casey of his attitude to the war. He seems to have written or inspired a number of pro-German articles almost up to the final collapse of Germany.

4. I think the parties intend to give the proposals a chance and that the odds are that the invitees will attend the Conference. But either Gandhi or Jinnah may decide to wreck it. I am reminded of what some diplomat once wrote of the Turk: "If you wish to know how the Turk will act on any matter of importance, you have first to consider what everyone expects him to do, what any reasonable man would do in his place, and what it is obviously in his best interests to do; you are then thus far advanced as to know that he will do none of these things."

5. I have been reading the report of the Committee on Administration in Bengal of which four copies have already been sent to your office. Rowlands seems to have done an excellent job, and I think the Report will be useful not only to Bengal but to the other provinces, and perhaps to the Central Secretariat. You will, I am sure, find the Report interesting, especially the chapters dealing with the functions of the Chief Minister and his office, and the future position of the District Officers.

6. Interest in the faked correspondence between Jinnah and yourself seems to have died down. I am informed that Jinnah refused to undertake a prosecution for forgery, though he said he would give evidence if summoned to do so. The Bombay Government considered the possibility of prosecuting the seller of the letters under a section of the Indian Penal Code, which punishes acts likely to cause ill-feeling, etc., between communities. They have decided that a prosecution of this kind would not succeed. In the meantime the Editor of the *Matrubhumi* has started proceedings for cheating against the seller of the letters.

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7. There is much Muslim interest in events in Syria and the Lebanon. Jinnah has put out a statement condemning de Gaulle, and I am sending by this bag a copy of a letter and of its enclosure from Khizar to Mudie.[3] As I told you when we discussed Palestine, Muslim reactions in India to Muslim troubles in the Middle East are quick and genuine, and I hope the Cabinet will continue to bear this in mind.

8. The National Defence Council last met in April and in the ordinary way the next Session would be in July. In view of the political discussions which will take up a good deal of my time this month, and perhaps next month, I have decided to omit the July Session, and to hold one about September instead.

9. The food situation seems to be fairly satisfactory though much depends on the final decision about wheat imports. I have seen your telegram[4] asking us to consider in the light of the Commander-in-Chief's estimate of port capacity whether we can handle the imports now contemplated. I am making enquiries but have no doubt that port capacity was considered before our demands were made. The Food Department had, I know, gone very carefully into the question of storage at ports some time before I left India.

[Para. 10, on a suggestion that officials might be given a small petrol ration when on leave, omitted.]

11. Casey has come up to see me from Bengal. He seems in good form and health. He is very pleased at having a section 93 administration, says that it has enabled him to get more improvements done than in all the period under a Ministry; and realises that I was entirely right in recommending a 93 administration in January 1944.

I discussed the political proposals with him, he approves them and thinks they have a good chance.

He wants to go back to Australia, in the spring of 1946 if possible; and would like to go to London for a fortnight in August or September. I will have another talk with him about this later on. He will be very hard to replace in Bengal.

[2] See No. 496.

[3] The Enclosure to Malik Khizar Hyat Khan's letter of 7 June 1945 to Sir F. Mudie read: 'Punjab Muslims welcome the intervention of His Majesty's Government in the question of Syria and the Lebanon in which they are keenly interested. They trust that the Government of India will bring to the notice of His Majesty's Government the interest taken in this question by Indian Muslims, so that their views may be duly considered.' L/P&S/12/876.

[4] Tel. 13075 of 9 June. L/E/8/3327.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt I, p. 241

IMMEDIATE *14 June 1945*
PRIVATE
CONFIDENTIAL

No. 382. Cripps has asked me to send you his best wishes in your endeavours.

2. All the very best from myself.

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Mr Amery to Mr Churchill

L/PO/6/108d: f 138

INDIA OFFICE, *14 June 1945*

Secretary of State's Minute: Serial No. P. 26/45

Prime Minister

Your Minute M.605/5.[1]

I circulated the text of my speech to the India Committee. A few suggestions were made by the Lord Chancellor and the Chancellor of the Exchequer, all of which I have incorporated or have met in substance. Some alterations were proposed by the Minister of Labour which I was not able to accept,[2] but the passages which he wished to alter were all accepted by the other four members of the Committee without question. The Secretary of State for War and the Secretary of State for the Colonies had no suggestions to make.

L. S. AMERY

[1] No. 503.

[2] A letter from Mr Amery to Mr Butler dated 13 June 1945 rejecting his proposed amendments is on L/PO/6/108d: f 140.

507

Statement of the Policy of H.M.G. made by the Secretary of State for India (as published)[1]

Cmd. 6652

14 June 1945

1. During the recent visit of Field-Marshal Viscount Wavell to this country His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.

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2. Members will be aware that since the offer by His Majesty's Government to India in March 1942 there has been no further progress towards the solution of the Indian constitutional problem.

3. As was then stated, the working out of India's new constitutional system is a task which can only be carried through by the Indian peoples themselves.

4. While His Majesty's Government are at all times most anxious to do their utmost to assist the Indians in the working out of a new constitutional settlement, it would be a contradiction in terms to speak of the imposition by this country of self-governing institutions upon an unwilling India. Such a thing is not possible, nor could we accept the responsibility for enforcing such institutions at the very time when we were, by its purpose, withdrawing from all control of British Indian affairs.

5. The main constitutional position remains therefore as it was. The offer of March 1942 stands in its entirety without change or qualification. His Majesty's Government still hope that the political leaders in India may be able to come to an agreement as to the procedure whereby India's permanent future form of government can be determined.

6. His Majesty's Government are, however, most anxious to make any contribution that is practicable to the breaking of the political deadlock in India. While that deadlock lasts not only political but social and economic progress is being hampered.

7. The Indian administration, over-burdened with the great tasks laid upon it by the war against Japan and by the planning for the post-war period, is further strained by the political tension that exists.

8. All that is so urgently required to be done for agricultural and industrial development and for the peasants and workers of India cannot be carried through unless the whole-hearted co-operation of every community and section of the Indian people is forthcoming.

9. His Majesty's Government have therefore considered whether there is something which they could suggest in this interim period, under the existing constitution, pending the formulation by Indians of their future constitutional arrangements, which would enable the main communities and parties to co-operate more closely together and with the British to the benefit of the people of India as a whole.

10. It is not the intention of His Majesty's Government to introduce any change contrary to the wishes of the major Indian communities. But they are willing to make possible some step forward during the interim period if the

[1] See also *Parl. Debs.*, 5th ser., H. of C., Vol. 411, 14 June 1945, cols. 1831–2, 1834–7.

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leaders of the principal Indian parties are prepared to agree to their suggestions and to co-operate in the successful conclusion of the war against Japan as well as in the reconstruction in India which must follow the final victory.

11. To this end they would be prepared to see an important change in the composition of the Viceroy's Executive. This is possible without making any change in the existing statute law except for one amendment to the Ninth Schedule to the Act of 1935. That Schedule contains a provision that not less than three members of the Executive must have had at least 10 years' service under the Crown in India. If the proposals of His Majesty's Government meet with acceptance in India, that clause would have to be amended to dispense with that requirement.

12. It is proposed that the Executive Council should be reconstituted and that the Viceroy should in future make his selection for nomination to the Crown for appointment to his Executive from amongst leaders of Indian political life at the Centre and in the Provinces, in proportions which would give a balanced representation of the main communities, including equal proportions of Moslems and Caste Hindus.

13. In order to pursue this object, the Viceroy will call into conference a number of leading Indian politicians who are the heads of the most important parties or who have had recent experience as Prime Ministers of Provinces, together with a few others of special experience and authority. The Viceroy intends to put before this conference the proposal that the Executive Council should be reconstituted as above stated and to invite from the members of the conference a list of names. Out of these he would hope to be able to choose the future members whom he would recommend for appointment by His Majesty to the Viceroy's Council, although the responsibility for the recommendations must of course continue to rest with him, and his freedom of choice therefore remains unrestricted.

14. The members of his Council who are chosen as a result of this arrangement would of course accept the position on the basis that they would wholeheartedly co-operate in supporting and carrying through the war against Japan to its victorious conclusion.

15. The members of the Executive would be Indians with the exception of the Viceroy and the Commander-in-Chief, who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.

16. Nothing contained in any of these proposals will effect the relations of the Crown with the Indian States through the Viceroy as Crown Representative.

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17. The Viceroy has been authorised by His Majesty's Government to place this proposal before the Indian Leaders. His Majesty's Government trust that the leaders of the Indian communities will respond. For the success of such a plan must depend upon its acceptance in India and the degree to which responsible Indian politicians are prepared to co-operate with the object of making it a workable interim arrangement. In the absence of such general acceptance existing arrangements must necessarily continue.

18. If such co-operation can be achieved at the Centre it will no doubt be reflected in the Provinces and so enable responsible Governments to be set up once again in those Provinces where, owing to the withdrawal of the majority party from participation, it became necessary to put into force the powers of the Governors under Section 93 of the Act of 1935. It is to be hoped that in all the Provinces these Governments would be based on the participation of the main parties, thus smoothing out communal differences and allowing Ministers to concentrate upon their very heavy administrative tasks.

19. There is one further change which, if these proposals are accepted, His Majesty's Government suggest should follow.

20. That is, that External Affairs (other than those tribal and frontier matters which fall to be dealt with as part of the defence of India) should be placed in the charge of an Indian Member of the Viceroy's Executive so far as British India is concerned, and that fully accredited representatives shall be appointed for the representation of India abroad.

21. By their acceptance of and co-operation in this scheme the Indian leaders will not only be able to make their immediate contribution to the direction of Indian affairs, but it is also to be hoped that their experience of co-operation in government will expedite agreement between them as to the method of working out the new constitutional arrangements.

22. His Majesty's Government consider, after the most careful study of the question, that the plan now suggested gives the utmost progress practicable within the present constitution. None of the changes suggested will in any way prejudice or prejudge the essential form of the future permanent constitution or constitutions for India.

23. His Majesty's Government feel certain that given goodwill and a genuine desire to co-operate on all sides, both British and Indian, these proposals can mark a genuine step forward in the collaboration of the British and Indian peoples towards Indian self-government and can assert the rightful position, and strengthen the influence, of India in the counsels of the nations.

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508

Broadcast Speech by Field Marshal Viscount Wavell at New Delhi (as made)

L/P&J/8/524: ff 7–8

14 June 1945

I have been authorised by His Majesty's Government to place before Indian political leaders proposals designed to ease the present political situation and to advance India towards her goal of full self-government. These proposals are at the present moment being explained to Parliament by the Secretary of State for India. My intention in this broadcast is to explain to you the proposals, the ideas underlying them, and the method by which I hope to put them into effect.

This is not an attempt to obtain or impose a constitutional settlement. His Majesty's Government had hoped that the leaders of the Indian parties would agree amongst themselves on a settlement of the communal issue, which is the main stumbling-block; but this hope has not been fulfilled.

In the meantime, India has great opportunities to be taken and great problems to be solved, which require a common effort by the leading men of all parties. I therefore propose, with the full support of His Majesty's Government, to invite Indian leaders both of Central and Provincial politics to take counsel with me with a view to the formation of a new Executive Council more representative of organised political opinion. The proposed new Council would represent the main communities and would include equal proportions of Caste Hindus and Moslems. It would work, if formed, under the existing Constitution. But it would be an entirely Indian Council, except for the Viceroy and the Commander-in-Chief, who would retain his position as War Member. It is also proposed that the portfolio of External Affairs, which has hitherto been held by the Viceroy, should be placed in charge of an Indian Member of Council, so far as the interests of British India are concerned.

A further step proposed by His Majesty's Government is the appointment of a British High Commissioner in India, as in the Dominions, to represent Great Britain's commercial and other such interests in India.

Such a new Executive Council will, you realise, represent a definite advance on the road to self-government. It will be almost entirely Indian, and the Finance and Home Members will for the first time be Indians, while an Indian will also be charged with the management of India's Foreign Affairs. Moreover Members will now be selected by the Governor-General after consultation with political leaders; though their appointment will of course be subject to the approval of His Majesty the King-Emperor.

The Council will work within the framework of the present constitution; and there can be no question of the Governor-General agreeing not to exercise

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his constitutional power of control; but it will of course not be exercised unreasonably.

I should make it clear that the formation of this interim Government will in no way prejudice the final constitutional settlement.

The main tasks for this new Executive Council would be:

First, to prosecute the war against Japan with the utmost energy till Japan is utterly defeated.

Secondly, to carry on the Government of British India, with all the manifold tasks of post-war development in front of it, until a new permanent constitution can be agreed upon and come into force.

Thirdly, to consider, when the Members of the Government think it possible, the means by which such agreement can be achieved. The third task is most important. I want to make it quite clear that neither I nor His Majesty's Government have lost sight of the need for a long-term solution, and that the present proposals are intended to make a long-term solution easier.

I have considered the best means of forming such a Council; and have decided to invite the following to Viceregal Lodge to advise me:

Those now holding office as Premier in a Provincial Government; or, for Provinces now under Section 93 Government, those who last held the office of Premier.

The Leader of the Congress Party and the Deputy Leader of the Muslim League in the Central Assembly; the leader of the Congress Party and the Muslim League in the Council of State; also the leaders of the Nationalist Party and the European Group in the Assembly.

Mr. Gandhi and Mr. Jinnah as the recognised leaders of the two main political parties.

Rao Bahadur N. Siva Raj to represent the Scheduled Classes.

Master Tara Singh to represent the Sikhs.

Invitations to these gentlemen are being handed to them today and it is proposed to assemble the Conference on 25th June at Simla where we shall be cooler than at Delhi.

I trust that all those invited will attend the Conference and give me their help. On me and on them will lie a heavy responsibility in this fresh attempt to make progress towards a final settlement of India's future.

If the meeting is successful, I hope that we shall be able to agree on the formation of the new Executive Council at the Centre. I also hope that it will be possible for Ministries to re-assume office and again undertake the tasks of government in the Provinces now administered under Section 93 of the Constitution Act and that these Ministries will be coalitions.

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If the meeting should unfortunately fail, we must carry on as at present until the parties are ready to come together. The existing Executive Council, which has done such valuable work for India, will continue it if other arrangements cannot be agreed.

But I have every hope that the meeting will succeed, if the party leaders will approach the problem with the sincere intention of working with me and with each other. I can assure them that there is behind this proposal a most genuine desire on the part of all responsible leaders in the United Kingdom and of the British people as a whole to help India towards her goal. I believe that this is more than a step towards that goal, it is a considerable stride forward, and a stride on the right path.

I should make it clear that these proposals affect British India only and do not make any alteration in the relations of the Princes with the Crown Representative.

With the approval of His Majesty's Government, and after consultation with my Council, orders have been given for the immediate release of the members of the Working Committee of Congress who are still in detention. I propose to leave the final decision about the others still under detention as the result of the 1942 disturbances to the new Central Government, if formed, and to the Provincial Governments.

The appropriate time for fresh elections for the Central and Provincial legislatures will be discussed at the Conference.

Finally, I would ask you all to help in creating the atmosphere of goodwill and mutual confidence that is essential if we are to make progress. The destiny of this great country and of the many millions who live in it depend on the wisdom and good understanding of the leaders, both of action and of thought, British and Indian, at this critical moment of India's history.

India's military reputation never stood higher in the world than it does at present; thanks to the exploits of her sons drawn from all parts of the country. Her representatives at International conferences have won high regard for their statesmanlike attitude. Sympathy for India's aspirations and progress towards prosperity was never greater or more widespread. We have thus great assets if we can use them wisely. But it will not be easy, it will not be quick; there is very much to do, there are many pitfalls and dangers. There is on all sides something to forgive and forget.

I believe in the future of India, and as far as in me lies will further her greatness. I ask you all for your co-operation and goodwill.

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509

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/PO/10/18: f 186

PRIVATE *15 June 1945*

1059-S. Your 382[1] of 14th June. Please give Cripps my best thanks. I know how much I owe to his support and help.

2. Warmest congratulations on your speech. The proposals have had a good start and first reactions are not unfavourable. I will telegraph officially later.

[1] No. 505.

510

Press Report

Wavell Papers. Political Series, April 1944–July 1945, Pt I, pp. 244–5

PANCHGANI, *15 June 1945*

Gandhiji has issued the following statement to the press:—

On the purely political aspect of the Viceregal broadcast I prefer to say nothing, now that the members of the Working Committee of the Congress are free. I can only give them my advice and it is they who have to shape the policy of the Congress and speak and act with authority. As soon as I read the broadcast, I sent a wire[1] to His Excellency the Viceroy drawing his attention to the fact that I have no *locus standi* as the "recognised representative of the Congress". That function belongs to the President of the Congress or whoever may be appointed to represent the Congress on a particular occasion. For several years I have acted unofficially as an adviser to the Congress whenever required. The public will remember that I went with the same unrepresentative character for my talks with Qaid-e-Azam Jinnah; and I can take up no other position with the British Government, in this instance represented by the Viceroy.

There is one expression in the Viceregal broadcast which certainly offends my ear and, I hope, will offend that of every politically-minded Hindu. I refer to the expression "Caste Hindus". I claim that there is no such person, speaking politically, as a "Caste Hindu". Let alone the Congress which seeks to represent the whole of India which is yearning after political independence. Does Veer Savarkar or Dr. Shyamaprasad or Dr. Moonje of the Hindu Mahasabha represent Caste Hindus? Do they not represent all Hindus without distinction of

[1] See No. 513.

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caste? Do they not include the so-called Untouchables? Do they themselves claim to be Caste Hindus? I hope not. Of all politically-minded Hindus, I know that even the revered Pandit Malaviyaji, though he observes caste distinctions, will refuse to be called a Caste Hindu, as distinguished from the other Hindus. Modern tendency in Hinduism is to abolish all caste distinctions and this I maintain in spite of my knowledge of reactionary elements in Hindu society. I can only hope therefore that His Excellency the Viceroy has allowed himself to make use of the expression in utter ignorance. I want to acquit him of knowingly wounding the susceptibilities of Hindu society or dividing it. I would not have dwelt on this matter but for the fact that it touches the political mind of Hindus in its sensitive spot and carries with it political repercussions.

The proposed conference can do much useful work if it is put in its proper political setting and is at the very outset rendered immune from any fissiparous tendency. Undoubtedly all invitees must appear as Indians conjointly bent on achieving India's natural goal and not as persons representing several sections of Indian society. That is how I have viewed Bhulabhai-Liaquat Ali understanding which I suppose laid the foundation for the forthcoming Viceregal conference. Shri Bhulabhai Desai's proposal has no such colouring as the Viceregal broadcast would seem to have. I am not ashamed of the part I have played in advising Shri Bhulabhai Desai when he consulted me about his proposal. Shri Bhulabhai Desai's proposal, as I understood it, attracted me as one interested in solving the communal tangle, and I assured him that I would use my influence with the members of the Working Committee and give my reasons for acceptance of his proposal. And I have no doubt that, if both the parties to the proposal correctly represent their constituents and have independence of India as their common goal, things must shape well. At this point I must stop and the Working Committee has to take up the thread. It is for its members to declare the Congress mind on the impending question.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 117

IMMEDIATE NEW DELHI, *15 June 1945, 11.55 pm*
Received: 16 June, 12.30 am

1061-S. Superintendent Series. Delhi (?newspapers) comment (?favourably) on proposals and take the line that they deserve fair consideration on their merits. Moslem League paper *Dawn* suggests that League could not participate

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in Executive Council in which non-League Moslems were included. I have not yet seen comment of *Amrita Bazar Patrika* of Calcutta or *Hindu* of Madras.

2. Acceptance of invitation to conference received from Ghulam Husain Hidayatullah, Husain Imam, Richardson, Tara Singh and (provisionally) Khan Sahib.

3. Gandhi telegraphed on 14th[1] saying that he could not repeat not attend the conference as representative of Congress and that correct representative of Congress would be The President or The President's nominee. I have replied[2] saying that I hope he will come himself and asking him to give Congress representation further thought and to let me know his final views after any consultations he thinks necessary. He will certainly discuss the matter with the Working Committee, which is said to be meeting in Bombay on 20th June, and may be authorised to (? represent) Congress himself. If he insists on separate representation I propose to agree and to give Jinnah the option of bringing an extra member of the Moslem League if he wishes. Gandhi's attitude is not unexpected. He has always controlled Congress but for many years has alleged that he is not a member.

4. Generally I think proposals have had a good start.

1 and 2 See No. 513.

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Note by Military Intelligence (Extract)

L/WS/1/1506: f 126

SECRET *15 June 1945*

No. 10005/189/GSI(b)

SOUTH EAST ASIA COMMAND AND INDIA COMMAND
WEEKLY SECURITY INTELLIGENCE SUMMARY NO. 189

The I.N.A.—Reactions

1. A captured Jif who was an Indian Army officer and who recently commanded a Guerilla Regiment has made some interesting comments on the effect of Bose's propaganda, and of life in the I.N.A., on those men who have come into our hands.

2. This source is insistent that no compulsion was used against either officers or O.Rs to join the new I.N.A. and that those who joined were sincere converts to the cause of Indian independence. In support of this, he quotes firstly, the hardships that a great number of 1 Div were willing to endure in the Manipur campaign, especially during the retreat, rather than surrender; and secondly,

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the determined resistance offered in the areas of Kyaukpadaung, Popa and the oilfields.

3. In this officer's opinion, these men, having no immediate hope, will on return to their depots appear as good and well-disciplined soldiers on parade. Off duty, however, they will probably discuss their past experiences, the Bose movement, Independence, an Indian Army without British officers and more especially the hardships they themselves bore in their effort to achieve these objects. Their stated belief is that they failed solely owing to lack of equipment. The source goes on to state that this will mean a rapid permeation of nationalism through the entire Indian Army. He never expected the Indian Army to revolt except and until the I.N.A. had actually penetrated into the plain of Bengal, when he believed such a revolt would have been universal. Rehabilitation he considers cannot be successful unless it is based on the fostering of a national rather than a communal or provincial spirit.

4. These views are those of an officer who has held a responsible I.N.A. command in the field and who has fought hard against us. He is one of the fanatical members of the Bose clique, and his views naturally are distorted and exaggerated. They are reproduced here because they reflect the mentality not only of some of the commanders but also of some of the rank and file who have been so influenced.

Reactions of the I.N.A. to capture

5. The reactions of the I.N.A. to their capture in Rangoon have been varied. Some not only showed remorse and repentance but had already removed their badges before our landings. There were, however, diehards who, while offering no resistance, at heart retained their loyalty for the I.N.A. cause. It appears that the "Burma Command" had given orders for the continued flying of the I.N.A. flag, the singing of the "National Anthem" and for prisoners to shout slogans on the march to embarkation.

6. It is reported by a reliable source that a number of the captured members of the I.N.A. have stated that their "march to Delhi" is not over, but will be continued from within India with the ex-I.N.A. as the backbone. They say they will be helped by the British Government's leniency which would leave plenty of men to carry out this mission and that these men would be useful to stage a comeback for S. C. Bose in India.

Reactions of the Indian Army to the I.N.A.

7. The reaction of Indian troops into whose hands I.N.A. personnel have recently fallen is firstly one of aloofness until a *genuine* feeling of relief and pleasure on the part of the captive is evinced. One unit in Rangoon reports that I.O.Rs regard the I.N.A. as traitors and would not hesitate to shoot them

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if so ordered. Among V.C.Os of the same unit there is a feeling that the only course to adopt is to try members of the I.N.A. by court martial and to ensure that none ever return to their homes unless cleared of all guilt.[1]

[1] A note headed 'A Short Study of Bose—His Ideas and Methods' by a senior officer of the I.N.A., which is appended to this summary, can be found on L/WS/1/1506.

513

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 115

EN CLAIR NEW DELHI, *16 June 1945, 8.45 pm*
Received: 17 June, 6.45 am

164–G.T.[1] Following telegrams[2] exchanged between Viceroy and Gandhi have been released to Press. To Gandhi dated 14/6/45. *Begins.* You may have heard my broadcast this evening. The text and that of the Secretary of State's simultaneous announcement in Parliament will appear in newspapers tomorrow.

2. I hope you will agree to attend the conference which I have proposed. I have suggested eleven a.m. on 25th June, at Viceregal Lodge Simla for the first meeting.

3. If you accept my invitation I should welcome a discussion with you before the opening of the conference and suggest subject to your convenience three p.m. on the 24th June at Viceregal Lodge Simla.

4. I have arranged to make a bungalow called Armsdell available for you in the hope that you will accept. *Ends.*

From Gandhi dated 14/6/45. *Begins.* Have read in Viceregal broadcast my name mentioned as an invitee. I have repeatedly made clear that I represent no institution. Therefore I must not attend as representing Congress; that function belongs to the Congress President or whomsoever he nominates. I send earliest intimation in order avoid misunderstandings or misconception. *Ends.*

To Gandhi dated 15/6/45. *Begins.* Thanks for your telegram of 14th. Whatever the technical position may be I shall value your help and hope you will accept invitation which was telegraphed to you last night. As regards representation of Congress perhaps you will kindly let me have your final views after further consideration and any consultations you think necessary. I know you will appreciate the importance and difficulty of the task I have undertaken and do all you can to help. *Ends.*

[1] The tel. no. has been taken from Wavell Papers.
[2] The tels. referred to in this document are also printed in Wavell Papers, Political Series.

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From Gandhi dated 15/6/45. *Begins.* Received kind wire of invitation. For reasons given in my wire sent you last night I have no place in your conference. As an individual I can only tender advice. May I then say that there are no caste and casteless Hindus who are at all politically minded; therefore the word rings untrue and offensive. Who will represent them at your table? Not Congress, which seeks to represent without distinction all Indians who desire and work for independence. Hence the existence of Hindu Mahasabha claiming to represent Hindus as such. I apprehend that even that body will disclaim representing caste Hindus. Moreover broadcast seems rigorously to exclude use of word independence. Accordingly it seems to me to demand revision to bring it in line with modern Indian thought. I suggest publication of our wires. *Ends.*

From Gandhi dated 16/6/45. *Begins.* In reply your kind wire of yesterday am posting letter. *Ends.*

To Gandhi dated 16/6/45. *Begins.* Many thanks for your telegram of 15th June. I have also seen your statement[3] in today's newspapers.

2. As regards your attendance at the conference I will await your letter referred to in your telegram of June 16th which I have just received.

3. I assure you term caste Hindus was not used with offensive intention. Meaning is that there should be equality between Muslims and Hindus other than members of scheduled castes. Subject to this exact composition of Council would of course have to be decided after discussion at conference.

4. On question of independence I invite your attention to Secretary of State's speech to Parliament on 14th June as published in Indian Press. Following is relevant passage *Begins.* The offer of March 1942 stands in its entirety. That offer is based on two main principles. First; no limit is set to India's freedom to decide her own destiny whether as a free partner in the Commonwealth or even without it. Second; that this can only be achieved under a constitution or constitutions framed by Indians to which the main elements are consenting parties. *Ends.*

5. It would not be practicable to modify the terms of my broadcast. It is only a simple statement of the proposals approved by His Majesty's Government and my intention is to deal at the conference itself with any points requiring clarification. I do not think it advisable to enter into detailed discussion before the conference which I hope, as you do yourself, will be held in a friendly atmosphere and without party bitterness.

6. As you suggest I am releasing our telegrams to the Press. [*Ends.*]

[3] No. 510.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 114

EN CLAIR NEW DELHI, *16 June 1945, 8.30 pm*
Received: 17 June, 2.45 am

165–G.T. Following telegrams[1] exchanged between Viceroy and Jinnah have been released to press.

1. Telegram dated 14th June 1945 to Jinnah *Begins*. You may have heard my broadcast this evening. The text and that of the Secretary of State's simultaneous announcement in Parliament will appear in newspapers tomorrow. I hope you will agree to attend the Conference which I have proposed. I have suggested eleven a.m. on 25th June at Viceregal Lodge Simla for the first meeting. If you accept my invitation I should welcome a discussion with you before the opening of the Conference and suggest subject to your convenience five p.m. on the 24th June at Viceregal Lodge Simla. I have had accommodation reserved for you at the Cecil Hotel in the hope that you will accept. *Ends*.

2. Telegram dated 15th June 1945 from Jinnah *Begins*. Your invitation fourteenth. Shall be glad meet you twenty fourth for discussion but as regards your proposals particularly Conference require clarifications which I hope will be available our meeting twenty fourth. This will enable me consult my Working Committee in the light of such clarifications and decide upon our course of action. May I request you therefore postpone date Conference for fortnight as time fixed is too short for meeting Working Committee. Members all over India. I reciprocate your appeal for co-operation and good will and hope that Muslim League will make its contribution to any just and reasonable interim provisional settlement. Please reply. *Ends*.

3. Telegram dated 16th June 1945 to Jinnah *Begins*. I have now received your telegram to me of 15th June. Am grateful for your assurance of co-operation. My broadcast was a very simple statement of the proposals and my intention is to deal at the Conference itself with any points requiring clarification. I do not think it advisable to enter into detailed discussions before the Conference meets. I would therefore prefer to adhere to date for opening of Conference on 25th and hope that you will attend. Perhaps you could arrange for your Committee to meet in Simla. I shall look forward to seeing you on 24th. As your telegram has been published I am sending this to press. *Ends*.

[1] The tels. referred to in this document are also printed in Wavell Papers, Political Series.

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Mr Jinnah to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt I, p. 248

EN CLAIR BOMBAY, *16 June 1945*

Received Your telegram sixteenth.[1] I note that your intention is to deal at Conference itself with any points requiring clarification, it therefore follows that till we have complete picture of your proposals, as details would be no less vital than the fundamentals, we shall not be able to deal with them. Until I know full details of the scheme and am in a position to place the entire scheme before my Working Committee, it will serve no useful purpose to convene the meeting; further I hope that you will understand that calling Working Committee Meeting at Simla as suggested by you on or before twenty-fifth is fraught with difficulties first they will be kept waiting indefinitely till the Conference concludes second it would not be easy for me to make arrangements for their suitable accommodation and travel from various Provinces within the short time available. However after my meeting you on twenty-fourth for discussion as suggested by you I may be in a better position to understand situation and arrange things accordingly.[2]

[1] See No. 514, para. 3. [2] This tel. was released to the Press by Mr Jinnah.

516

Mr Gandhi to Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt I, pp. 248–9

"DILKUSHA", PANCHGANI, *16 June 1945*

Dear Friend,

I thank you for your telegram of yesterday received at 3-45 p.m.[1] My second telegram[2] acknowledging your kind telegraphic invitation[3] evidently crossed yours. I am sending you this letter in reply, instead of wiring, because I am anxious that you should understand my position thoroughly. However, I am sending you a wire[4] intimating the despatch of this letter. For ready reference, I am enclosing herewith a copy of my press message[5] which was issued yesterday in the morning. I would like you to go through it.

While it is true that my position is technical, the reality of it is truer. My official and legal connection with the Congress was deliberately, and with the consent of the All-India Congress Committee, severed in order to enable me

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all the better to serve the common cause. This position therefore cannot be changed at will. In the forthcoming official conference, I can have no official position. My presence in it will change the official colour, unless I become an official representative of the Congress. But if you think that my help is desirable and that without being a member of the conference I am likely to be useful, I shall make it a point to be at your service before and even during the conference proceedings, assuming, of course, that the Working Committee wishes likewise.

I want to cite an analogy. You may have known the late Deenabandhu as C. F. Andrews was affectionately called by us. He severed his official connection with the Cambridge Mission and the Church in order to serve religion, India and humanity better. The position he occupied as a valuable link between India and England, whether official or non-official and between all classes and parties, grew as days went. If I can, I would love to occupy such a position. It may never come to me. Man can but try.

You have suggested further consideration and consultation, both of which I have done. I am within an easy distance of Yervada Central Prison, where Sardar Vallabhbhai Patel and Shri Shankarrao Dev were recently transferred from Ahmednager Fort. Almost immediately after their discharge from the jail yesterday they motored to Panchgani and are still with me. I have shown them all the necessary papers and they concur with me in what I am writing.

In the task you have undertaken, of which I hope I fully appreciate the difficulty and delicacy, you certainly need the assistance and goodwill of all the parties you can. The Congress help you naturally cannot have without the Congress being officially represented at your table. The first and also perhaps the main purpose of the discharge of the remaining members of the Working Committee will be frustrated unless you secure the presence at your table of the President of the Congress or whomsoever he and his Committee may appoint for the purpose. If my supposition is correct, my immediate advice is that you should invite the President of the Congress. I expect that the ban on the Congress has been or will be lifted to the extent it still exists.[6]

I am,
Yours sincerely,
M. K. GANDHI

1, 2, 3, and 4 See No. 513. 5 No. 510.
6 This letter was repeated to Mr Amery in tel. 171-G.T. of 18 June and released to the Press.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 113

IMPORTANT NEW DELHI, *16 June 1945, 9.40 pm*
Received: 17 June, 3 am

1068–S. Superintendent Series. Press comment in Bombay is favourable on the whole. Bengal press, particularly *Amrita Bazar Patrika* and *Nationalist*, is much more critical though editors are not yet finally committed against proposals.

2. Rajagopalachari has accepted invitation in cordial telegram. Parlakimedi has also accepted. Husein Imam intimates his acceptance is subject to Moslem League participation.

3. I am sending en clair[1] text of telegrams exchanged by me with Gandhi and Jinnah which are being published in the press. I do not repeat not intend to be drawn into detailed discussion with Gandhi and Jinnah (? to the) exclusion of other members of Conference. Nor do I wish to postpone Conference as delay would lead to hardening of party views and make discussion much more difficult. If Gandhi persists in objection to wording of broadcast or Jinnah continues to press for postponement I propose to tell them quite firmly that in all essentials proposals are simple and clear and that immediate question is whether (? my) invitation is accepted or not. But before I do this I must be sure that they really mean to be obstructive and are not merely showing off.

[1] Nos. 513 and 514.

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Field Marshal Viscount Wavell to Mr Jinnah

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt I, p. 250

IMMEDIATE *17 June 1945*
EN CLAIR

No. 167–G.T. Thank you for your telegram of 16th June.[1] May I take it (*a*) that you and others invited who are Members of Muslim League will attend Conference on 25th, but (*b*) that you will wish to consult your Working Committee when proposals have been made clear to you at Conference. I suggest that long adjournment of Conference might be most inconvenient to others attending and that your Committee might meet in Simla before the end of

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June. I would do my best to arrange travel and accommodation. But accommodation is very difficult and if Members of your Committee can stay with friends to greatest possible extent I shall be obliged.[2]

[1] No. 515. [2] This tel. was released to the Press on 17 June 1945.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 110

IMPORTANT NEW DELHI, *17 June 1945, 11.55 pm*
Received: 18 June, 3.50 am

1069-S. Superintendent series. Press reactions continue much the same.

2. Acceptances are coming in but those from Congress and League members are subject to the approval of Party organisations.

3. Attitude of Gandhi and Jinnah remains uncertain. In letter of the 16th[1] received today Gandhi gives cryptic analysis of his own position which leaves me in doubt whether (*a*) he will come to Simla but refrain from participating in the Conference *or* (*b*) he will participate in the Conference if nominated by (? President) or Working Committee *or* (*c*) he will participate in the Conference provided official Congress representative is also invited. Letter ended with clear advice that I should invite Congress President to attend or nominate duly authorised representative. I have replied[2] saying I hope means may be found to enable Gandhi to attend and sending invitation to the President. Private information is that Gandhi is co-operative and may be nominated himself. I want to avoid having him in Simla as irresponsible adviser outside the Conference. Position will be clearer within a day or two.

4. Jinnah has telegraphed[3] apparently (? accepting) my invitation but saying that he cannot arrange meeting of his Committee in Simla before 25th. He implies that the Conference would have to adjourn, presumably for long period, as soon as he understands proposals fully, so that he may consult his Committee about them. I have replied[4] asking him to confirm that he and other League members are coming, and suggesting meeting of his Committee in Simla before end of June so that long adjournment may be avoided.

5. I still have hopes of assembling Conference on the 25th, but inability or unwillingness of Gandhi and Jinnah to express themselves clearly is considerable obstacle. But this sort of preliminary manœuvring is typical and was to be expected.

[1] No. 516. [2] See No. 521. [3] No. 515. [4] No. 518.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 23 *17 June 1945*

Many thanks for your letter of 7th June.[1] I am glad the Cabinet decided to let me go ahead in spite of Council's views. The decision was undoubtedly right, as whatever may happen to the proposals it is clear that they were well worth making. I am keeping you informed by daily telegrams of progress. Gandhi and Jinnah are the main obstacles. Neither seems able to give a clear answer to a plain question, and Jinnah's insistence on consultation with his Working Committee is really a manœuvre to gain time to rally his supporters, of some of whom I think he may be a little doubtful. The proposals are quite clear and Jinnah could undoubtedly have secured authority by telegram from his committee members to deal with them at the Conference as he thought best. We shall know within a few days whether Gandhi and Jinnah mean to play or not. I am privately informed that Gandhi is not unhelpful, but the sources of information—his son who runs the *Hindustan Times* here, and some of his friends, who are closely associated with Birla—may be too optimistic. We know from telegrams seen in transit that Birla is urging acceptance. As, however, success depends on an entirely new attitude to party questions, I fear the cryptic communications I get from Gandhi and Jinnah do not bode well for the actual discussions. Both are probably manœuvring for position and trying to show that they are quite as important as the Viceroy, but I am not too optimistic.

2. I am annoyed that the proposals are being referred to as if mainly due to my initiative, and that the leading part you played is not being recognised out here. However, your great sympathy for India will be known some day; and I know that all you are anxious about is to make some progress for the good of India.

3. I shall be glad to have Oliver Stanley's suggestions on the proposed discussion in Council of the Soulbury Commission's recommendations,[2] as it will certainly be difficult to put alternative possibilities before Council with any conviction. In the meantime there is no improvement in our relations with Ceylon. My Commonwealth Relations Department has been conducting a rather pointless correspondence with the Ceylon Government suggesting that negotiations be reopened.[3] The Ceylon Ministers insist that the basis should be the abortive agreement of 1941 which you will remember, the Government

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of India decided not to ratify. We say that if the Ministers will agree to negotiations being resumed we shall be happy to suggest a suitable basis. The Ceylon Government's representative here recently discussed this business with the Department, and is now spending the summer in Ceylon. We have decided to do no more until he returns. The Department seems to think that his views are reasonable and that he may be able to help us.

4. I had a talk with Rowlands about his future. He said he was not attracted by an Indian career. I am sure he would not think the High Commissionership good enough. He might change his mind if he were offered Bengal, which is a very considerable appointment, and from which Anderson went to high office at home. But I do not think we can count on Rowlands and I hope you will try to find a really first-class man.

I am awaiting your authority to offer Hope the four months extension about which you telegraphed to me recently. Madras is a good deal easier than Bengal, but there is great scope for a good man and I hope you will get one.

I am still uncertain about the N.-W.F.P., and have written privately to Cunningham asking for his views. I am not at all sure that the tradition that this appointment must be held by a member of the Political Service with long Frontier experience and a knowledge of Pushtu, is sound. Auchinleck surprised me the other day by saying that the Governor of the N.-W.F.P. should certainly not be drawn from the Political Service. He thought a soldier might do it well, but probably not from the Indian Army. His feeling is that most of the Chief Commissioners and Governors have known too much, and have been unwilling to depart from the tradition in which they were trained, even when it would have been sensible to do so.

5. The interim report of the Broome Commission[4] has had a good deal of publicity in India and, as you know, I think the recommendation that an Indian delegation should be invited to visit the Union is entirely sound. It is possible that our idea was put privately to the Commission. Deshmukh is being much more temperate than Shafa'at Ahmed Khan, and we are now getting intelligible reports on what is happening. Khare has agreed to make no further move at present and I am sure this is right.

6. In paragraph 15 of your letter of 28th February[5] you gave some interesting views on the possibility of a Pan-African movement, about which Khare was apprehensive. Under his instructions his Department sent me a rather woolly note on this the other day, and I think Shafa'at Ahmed Khan has probably been making Khare's flesh creep. I told Khare that you did not think there was very much in it but that I would remind you of India's interest in the subject.

[1] No. 486. [2] See Enclosure to No. 486.
[3] On the subject of the rights and status of Indians in Ceylon.
[4] See No. 95, paras. 3–5. A copy of the interim report is on L/P&J/8/302. [5] No. 291.

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7. The big Princes, whom I warned in advance,[6] seem to have taken the political proposals very well. I have had cordial acknowledgments from most of them. In his letter[7] Bhopal reminded me of my promise to see him and I have asked him to stay on 20th or 21st.[8] He will probably wish to end the Princes "crisis", and I am quite ready to help him if he is reasonable. I saw the other day an interesting and quite able letter from Bilaspur to Bhopal in which Bilaspur pointed out that the resignation of the Chancellor, the Vice-Chancellor and the Standing Committee had deprived the smaller Princes of their normal means of expression, and that so far the Emergency Committee had done nothing of any value. Bilaspur obviously wanted the Chamber to get back to normal, and many of the smaller Princes probably feel the same.

8. Before this letter goes I shall be telegraphing to you about wheat imports.[9] I gather that the military planners were obliged to keep their plan so secret that the War Transport and Food Departments did not know what had been reported about the capacity of the Indian ports. There may be some difficulty in taking the full 100,000 tons of wheat from July loadings, because there are arrears of military cargoes which it may be impossible to keep waiting any longer.

9. A civil staff is being assembled here to take over the Andamans and Nicobars when we reoccupy them. The Chief Commissioner-designate is Patterson, a member of the I.C.S. from the Central Provinces, who did a tour of duty in the Andamans just before the war. He was selected by Colville during my absence. I have seen him and am favourably impressed. He will need some equipment—the quantities are relatively small—and I will try to get Mountbatten to help him as much as he can. Mountbatten is staying with me for a couple of nights. (He should have been here by now, but his plane has been held up by a storm.)

[Para. 10, on a priority air passage for Sir H. Hood; para. 11, on leave for Sir G. Cunningham in Kashmir; and para. 12, on the catalogue of an Exhibition of Bengal Art organised by Mrs. Casey, omitted.]

[6] No. 499.

[7] Dated 12 June 1945. Wavell Papers, Official Correspondence: India, January–December 1945, p. 186.

[8] In a letter dated 15 June 1945. L/P&S/13/982.

[9] Tels. 1071–S and 1072–S of 18 June replying to Mr Amery's tel. 13075 of 9 June (see No. 504, para. 9) and to two further enquiries from Mr Amery (tels. 13305 and 378 of 12 June) the latter of which was a private telegram warning that Lord Leathers might use India's inability to guarantee that her ports could handle the shipping as an excuse to make difficulties now or in the future. L/E/8/3327.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: ff 111–12

IMPORTANT NEW DELHI, *18 June 1945, 6.40 pm*
EN CLAIR *Received: 18 June, 10.45 pm*

Unnumbered.[1] Following correspondence[2] exchanged between Viceroy and Gandhi.

[*There follows the text of No. 516.*]

Telegram dated 17th June to Gandhi. Thank you for your letter of 16th June. I understand your position. I am looking forward to seeing you on 24th and hope means may be found for you to take part in proceedings of conference. I shall be grateful if you will communicate following message to Maulana Abul Kalam Azad from me. *Message begins.*

I invite you to attend or to nominate duly authorised representative to attend conference at Viceregal Lodge Simla at 10-30 a.m. on Monday 25th June. Accommodation will be arranged for representative if required. *Message ends.*

I have not released your letter or this telegram to the press but have no objection to their being published.

Telegram dated the 17th June from Gandhi. Deeply appreciate your wire received yesterday evening.[3] In order regularise procedure and facilitate despatch of work without disturbing number of members conference I suggest immediate invitation to Congress president attend conference or depute Congress nominee. If fixity of parity between caste Hindus and Muslims unchangeable, religious division will become officially stereotyped on eve of independence. Personally I can never subscribe to it nor Congress if I know its mind. In spite of having overwhelmingly Hindu membership Congress has striven to be purely political. I am quite capable advising Congress to nominate all non Hindus and most decidedly non caste Hindus. You will quite unconsciously but equally surely defeat purpose of conference if parity between caste Hindus and Muslims is unalterable. Parity between Congress and League understandable. I am eager to help you and the British people but not at sacrifice of fundamental and universal principles for it will be no help. If you desire text yesterday's letter earlier I can telegraph contents.

Telegram dated 17th June from Gandhi. Many thanks your prompt reply to my letter of 16th. But in absence of reply to my wire even date you will

[1] It would appear from Wavell Papers that this tel. was No. 171–G.T.

[2] The tels. referred to in this document are also printed in Wavell Papers, Political Series.

[3] See No. 513.

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admit Congress position and mine remains uncertain. Hence I must not even on your behalf invite president without acceptance of my necessary amendment. You will not and cannot according to your wire of 16th[4] let conference discuss the question. Therefore to my great regret I have taken no action on your wire under reply. Working Committee has not still been called. Private telegraphic communication tardy. Time appears to be against date fixed by you. With all my willingness to help I hope you will appreciate unavoidable delay. I suggest your altering date and clarifying issue raised by me and if clarification satisfactory sending your invitation directly for avoiding delay. Should inform you Congress premiers are held up pending Working Committee's decision. I am not releasing these communications pending final decision but in this you shall judge.

Telegram dated 18th June [to] Gandhi. Thank you for your two telegrams of yesterday. I think Maulana Abul Kalam Azad should have my invitation as soon as possible and have accordingly telegraphed it to him at Calcutta.[5] Mr Amery's statement in Parliament and my broadcast constitute terms of reference to conference which I still hope will assemble at Simla on 25th. I clearly cannot change my broadcast and I have already told you I do not think it desirable to discuss its details before the conference. None of the persons or parties concerned is expected or required to accept or reject the proposals now. The only immediate question is whether the proposals are worth discussing at the conference and it is to that question that an answer will be most helpful. I still think the conference should assemble on 25th. It may last some time and delay before it begins will not improve prospects of success. I am releasing your letter of 16th June my telegram of 17th June your two telegrams of 17th June and this telegram to press. (The enclosure[6] to Gandhi's letter is not repeated. It appeared in the press here on 16th June beginning with on the purely political aspect of the Viceregal broadcast and ending on the impending questions and is presumably available to you.)

[4] See No. 513.

[5] Tel. 170–G.T. via Governor of Bengal. Wavell Papers, Political Series, April 1944–July 1945, Pt. I, p. 254.

[6] No. 510.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 109

IMMEDIATE NEW DELHI, *18 June 1945, 10.35 pm*
Received: 18 June, 10.15 pm

No. 1077–S. Superintendent Series. Prospects still most uncertain. I have telegraphed en clair[1] further correspondence with Gandhi. Congress may refuse

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to attend the Conference unless proposals are revised so as to remove (? stipulation) that new Council shall include equal numbers of caste Hindus and Moslems. I have made it clear that revision is impossible. Meantime we are criticised for treating Congress as communal and not political organisation. There is no suggestion of this in statement or broadcast. Council with admittedly communal composition (which is unavoidable at present) is to be appointed in consultation with leaders of political parties. There is in theory no reason why Hindu selections should come exclusively from Congress or Moslem selections exclusively from League. Non-Hindu or Scheduled Caste members of Congress are eligible for selection. But it is well known that Jinnah will not permit League Moslems to co-operate with non-League men and Congress are blaming us for Jinnah's probable intentions.

2. Jinnah has telegraphed[2] that he cannot decide until he has seen me on 24th whether League will be represented at Conference or whether to summon his committee. He adds that if I revise proposals as press reports suggest I shall make my task more difficult. Jinnah is evidently waiting until Congress attitude is known.

3. I believe if we stand put [pat] on proposals which are widely recognised as great advance and reasonable we shall have gained much even if Gandhi and Jinnah refuse and that if they do they will lose much influence in general world (? opinion) and even with some of their followers.

[1] No. 521.
[2] From Bombay on 18 June 1945. Wavell Papers, Political Series, April 1944–July 1945, Pt. I, pp. 255–6.

523

Maulana Azad to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt I, p. 255

EN CLAIR CALCUTTA, *18 June 1945*

Thanks for invitation just received through His Excellency Governor, Bengal. I have called All-India Congress Working Committee in Bombay twenty-first June. I shall put this matter before the Committee. Decision reached will be communicated to you forthwith.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *18 June 1945*
Received: 25 June

Just a line to thank you most sincerely for what you say in your personal letter of the 12th.[1] I shall always look back with satisfaction on the uphill battle we waged together during those weeks. Now you have to play your own hand and I have every confidence in your pulling it off. Things have certainly begun well.

2. I hadn't a moment to write last week and I am just off to Birmingham for three weeks of electioneering mud bath. My opponent, Palme Dutt, has for two years held me up to execration, not only as a capitalist bloodsucker but as the oppressor and torturer of India and more particularly as the prime cause of the Indian famine. All this may perhaps sound a little unreal in the light of what you are doing in India today.

3. The debate[2] went very well and our proposals were blessed on all sides, while Cripps played up manfully in a speech in Edinburgh. I am glad you liked[3] my speech which was, indeed, somewhat of a work of art. I had to submit it beforehand to the Simon Committee and therefore had to put the negative limitations in such a way to satisfy them, at the same time also not to alarm Jinnah, and lastly not to indicate an unfriendly attitude to India or belittle the proposals.

4. I shan't have much chance to write to you during the next three weeks and think Scarbrough had better write to you the ordinary weekly letter till I come back, at any rate up to July 26th. After that, Winston or the electors may relegate me to private life.

[1] Not traced in India Office Records or Wavell Papers.
[2] *Parl. Debs.*, 5th ser., H. of C., vol. 411, 14 June 1945, cols. 1831–73. [3] No. 509.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 108

IMPORTANT
EN CLAIR

NEW DELHI, *19 June 1945, 2.20 pm*
Received: 19 June, 2 pm

173-G.T. Following telegrams[1] between H.E. and Gandhi have been released to press. Telegram dated 18th June from Mr. Gandhi to H.E. the Viceroy. *Begins.*

Grateful for your prompt frank and full reply[2] also for directly inviting Maulana Saheb. Members being free at conference to accept or reject proposals clears ground for invitees to attend conference. This leaves them free discuss pros and cons at conference. My objection to inevitability of parity between Muslims and caste Hindus stands. If that view incapable of being altered by British Government my advice Congress will be not to participate in formation executive council. Congress has never identified itself with caste or (?non) caste Hindus and never can even to gain independence which will be one sided untrue and suicidal. Congress to justify its existence for winning independence of India must remain for ever free to choose best men and women from all classes and I hope always will. That it has for sake of conciliating minorities chosen men to represent them though they have been less than best redounds to its credit but that can never be pleased [?pleaded] to justify or perpetuate distinction based on caste or creed. Hindu Mahasabha is the body claiming to represent solely Hindu interests. Subject to Working Committee wishes I shall hope present myself Simla on 24th instant but owing to my strong views you can cancel the engagement without least offence. I expect this wire and reply if any will be published. Leaving for Poona Tuesday 2 p.m. *Ends.*

Telegram dated 19th June to Mr. Gandhi. *Begins.* Thank you for your telegram of 18th June. I am glad you think ground is clear for invitees to attend conference. I shall expect to hear further immediately after the meeting on 21st June.[3] I am sure you appreciate that success of conference depends on a spirit of goodwill and co-operation among all concerned. As you suggest I am releasing these telegrams to the press. *Ends.*

[1] The tels. referred to in this document are also printed in Wavell Papers, Political Series.
[2] See No. 521, last tel. [3] See No. 523.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 107

IMPORTANT NEW DELHI, *19 June 1945, 10.20 pm*
Received: 20 June, 4.35 am

No. 1081–S. Superintendent Series. I have telegraphed en clair[1] Gandhi's message of 18th and my reply of today. I do not think we shall know more until Working Committee have met in Bombay on 21st. In the meantime I have not communicated further with Jinnah who will say nothing definite until he is sure of Congress attitude. There is no change in tone of press but some reports indicate that Nehru is hostile and that other Working Committee members are impressed by Gandhi's new point.

[1] No. 525.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 104

IMMEDIATE NEW DELHI, *20 June 1945, 6.55 pm*
Received: 20 June, 6 pm

No. 1087–S. Superintendent Series. Situation is unchanged. Moslem League newspaper *Dawn* suggests that Gandhi will wreck conference on parity issue and treats inclusion of Congress President or duly authorised representative of Congress as important and unwelcome change in proposals. See my immediately succeeding telegram on manner in which I hope to handle similar[1] discussions.

[1] Wavell Papers, Political Series has 'Simla' here.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 105

IMMEDIATE NEW DELHI, *20 June 1945, 7.45 pm*
Received: 20 June, 11.30 pm

No. 1088–S. Superintendent Series. My immediately preceding telegram. I must assume for the present that Gandhi and Jinnah will (? see) me separately at Simla on 24th and that conference will open on 25th.

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2. At private interview Gandhi will certainly press for the removal of the stipulation that caste Hindus and Moslems must be equal in the new Executive Council and say that Congress can participate in Council only as a political and not as a communal organisation. His argument is clear from his correspondence with me which you have seen. He may take other points, but I do not know what they will be. Jinnah will also, I think, concentrate on the parity issue and insist that all Moslem members of Council must belong to the League. He may say that given acceptance of this he does not mind Congress putting forward any (?names) they please so long as total number of caste Hindus does not exceed that of Moslems. In other words Jinnah might not object to Gandhi including members of minorities other than Moslems to the detriment of Hindus.

3. At private interviews I do not propose to give ground on parity question. I shall say that only stipulation in proposals is that Council should include equal number of caste Hindus and Moslems. Manner in which names should be recommended by conference will be for discussion at conference itself and I cannot before conference begin to[1] enter into a pact either with Gandhi or with Jinnah on this subject. I will try to convince Gandhi that proposals do not brand Congress as a communal organisation and shall point out both to him and to Jinnah that if we are to succeed, conference must be more or less unanimous on method of selection. The main difficulty is likely to arise over non-League Moslems if Congress insist on putting forward Moslem names. There would also be difficulty in inclusion of non-League non-Congress Moslems. You will see that there are two issues:

(1) whether selection should be by parties or communities; and
(2) whether parity should be maintained.

On the first issue, proposals give me a free hand and I shall do my best to bring the conference to reason. On the second issue I would not recommend any change in proposals unless it were sincerely desired and agreed on by the conference as a whole and I thought Indian (?opinion) would accept it.

4. I propose to open conference with short address welcoming members, stressing importance and (corrupt group)[2] of our task. Agenda paper will include 6 items but may be modified as conference proceeds.

First, Procedure of conference. This covers the usual points about times of meeting, secretaries, record of proceedings etc., and is not controversial.

Second, Discussion of general principles. This is vital stage at which your statement and my broadcast will be examined and attempt will be made to reach agreement on the main principles of proposals.

[1] Wavell Papers, Political Series has 'begins' in place of 'begin to'.
[2] 'responsibility' in Wavell Papers.

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Third, Discussion of strength of Executive Council. I shall propose present strength but suggest certain changes in allotment of work to portfolios. Decision on allotment of work is for me, but I think conference should know how the portfolios are arranged now and give an opinion on number of members to be appointed.

Fourth, Action in Provinces. This deals with possibility of establishing coalition governments in Section 93 Provinces but not repeat not with general elections.

Fifth, Timing of general election, central and provincial. In this, as in fourth item, I shall try to (?steer) conference away from recommendations about Provinces in which ministries are in office.

Sixth, Selection of new members of Council. This will be final item if conference succeeds.

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Maulana Azad to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt I, p. 258

EN CLAIR BOMBAY, *21 June 1945*

Congress Working Committee authorises me to accept your invitation to Simla Conference on 25th. Hope reach Simla 24th. Would be grateful if you can conveniently see me before Conference. Thankfully accept offer accommodation, two Secretaries accompanying me.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 98

IMPORTANT NEW DELHI, *22 June 1945, 8.25 pm*
Received: 22 June, 8.30 pm

No. 123–S.C. Superintendent Series. Azad has accepted invitation to conference without argument and has asked for private interview with me first.[1] I am therefore seeing him Sunday in addition to Gandhi and Jinnah. Jinnah's attitude is uncertain but it is probable that conference will assemble 25th morning. Congress Working Committee seem to have taken moderate line on the whole but intend to give instructions to delegates nature of which is not known. I am still not sure whether Gandhi will attend conference or not.

[1] See No. 529.

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Mr Gandhi to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt I, p. 259

BOMBAY, *22 June 1945*

In reply your wire of 19th[1] you must have seen from papers Working Committee is still sitting. Am leaving today by Frontier Mail for Simla. Train permitting hope wait on Your Excellency appointed time. Thanking you for reserving accommodation for me. I propose to stay with Rajkumari Amrit Kaur.

[1] See No. 525.

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Sir D. Monteath to Sir E. Jenkins

Telegram, L/P&J/8/522: ff 92–7

IMMEDIATE INDIA OFFICE, *22 June 1945, 6.35 pm*

14109. Superintendent Series. Jenkins from Monteath. After much hesitation whether his duty was not to stay here in touch with political developments Birla has decided to leave for America today, 22nd June. He gave me pressing invitation to lunch *tête à tête* yesterday at which main topic was prospects of Simla Conference. He hardly touched on other matters but is clearly impressed by friendly way he has been treated here and perhaps in consequence by sincerity of His Majesty's Government's declaration. As you know he has been in close correspondence with Devadas Gandhi and others exerting such pressure as he can by telegram to ensure that Congress do not reject offer. Summary [of] impression of main points emerging from one-and-a-half hours conversation may therefore be of some interest as possibly indicating how his friends' minds may work.

2. Birla's main apprehension is lest Conference breaks down on points that Gandhi is pressing, viz. objection to insistence on parity in Council between Caste Hindus and Moslems together with implication that the former would be found wholly from persons recommended by Congress although it is in principle non-communal political organisation. Birla did not give much indication how he thought Jinnah would act but evidently felt Gandhi's difficulty is increased by certainty that Moslem League, which (though as political body it is regarded as counterpart to Congress) is essentially communal and selectively so at that, would not recommend any non-Moslem or

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perhaps even agree to inclusion of non-Leaguer. He agreed readily enough that main obstacle in India is Hindu-Moslem cleavage which goes down through such aspects as communal distribution of Government appointments to foundations of social structure and that at this stage it is probably essential therefore to secure equal representation in Executive Council, but he thought that it might be fatal if in order to secure this it were insisted that Congress should nominate only caste Hindu candidates. When I replied that I was not aware of any such insistence and reminded him that Viceroy has freedom of choice from panels put up to him by parties or communities, he thought that it might go some way to meet Gandhi's difficulty if it were made plain that Congress would be at liberty to recommend Moslem or other non-caste Hindu candidates (even though in order to achieve communal parity they might not be selected). On the other hand if after thus exhibiting non-communal principles Congress were taken at its word and in the result (assuming presumably that stipulation of Hindu-Moslem parity in Council were waived) Caste Hindus were out-numbered by Moslems in Government, he feared that Congress leaders might lose large proportion of Hindu supporters at elections and in Legislatures and so fail to maintain present influence; Congress is therefore in dilemma from which he seems to suggest that it is for His Majesty's Government to extract it. Birla's apprehension of possible loss of influence by Congress is perhaps less his own than one that he believes to be exercising Gandhi and Working Party, for at a later stage in the conversation he seemed to indicate that eventual disappearance of Congress as dominant political power might to his mind be no bad thing. But this remark was connected with suggestion that in forming National Government, objective should be to secure most capable men irrespective of creed or party and that it should be open to Congress or any other element to recommend persons outside its own membership, for example Sapru in view of his qualifications for Law portfolio. Though not expressed in so many words he seemed to indicate confidence that in such conditions Hindu element would naturally supply majority of most capable men and that main purpose of National Congress having been achieved by institution of National Government its disappearance as political factor would be natural and immaterial.

3. Birla continually stressed importance, for avoidance of breakdown at Simla, of devising some means for allowing Congress to display its non-communal character and at one point (arising I think from my observation that procedure for making recommendations would surely be matter for Conference to consider) suggested that, granted that no party or community is restricted to particular categories, best and most natural course would be that Conference should itself decide in agreement what persons should be appointed and presumably to which portfolios. (This seems dangerous and

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unacceptable position directly contrary to that stressed by Cabinet to which contentions derived from acceptance of thesis that Congress is in principle non-communal organisation, might gradually be pressed in Conference.)

4. Since drafting this telegram I notice that *Hindustan Times* has already commented in closely similar sense. Tomkins, who has been in close touch with industrialists, tells me Sarkar criticised phrase "caste Hindus" on grounds that leaving aside the Scheduled Castes there are many classes of Hindus who would not properly be described as caste Hindus, and indicated suspicion of some sinister purpose behind use of phrase. There may be some difficulty to surmount in this connection but Birla made no mention of it to me. Would Marwaris for instance perhaps fall into such nondescript category? You may remember my telling you of Birla's rather naïve admission at my first talk with him that Congress would have to find capable administrators for recommendation for Council from ranks of successful businessmen adherents.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: ff 100–2

IMMEDIATE INDIA OFFICE, *22 June 1945, 7.50 pm*

14134. Superintendent Series. I have followed with great interest the developments reported in your telegrams and I think that you have handled Gandhi admirably. I agree generally with the line you propose to adopt at the Conference in your 1088–S[1] but offer following comments.

2. If Council remains at present strength of 16 including yourself and C.-in-C. that would seem to require either five Hindus and five Moslems with four minority members or six of each and two. Latter would I think be unfair to minorities and might be rejected by Depressed Classes while I feel that major communities might resist four seats for minorities. With Council of 15 you could have five of each and three minority which would I think be fairer proportions, but that would mean eliminating a portfolio and you may possibly prefer six:six:three reserving the precise 40:40:20 ratio even if it leaves someone without a portfolio.

3. I am receiving many telegrams from Depressed Class organisations demanding three seats. Their case seems to me to have some force and I should welcome it if you find it possible to give them two seats, but I am apprehensive

[1] No. 528.

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that Gandhi's objection to use of term "Caste Hindus" may foreshadow intention to resist any separate representation for Depressed Classes as a community and it seems important not to give him grounds to revive this issue on which at the time of Poona Pact he made much trouble. That to my mind greatly strengthens the case for accepting the party rather than the community basis, for Gandhi surely cannot deny the existence of Ambedkar's party organisation.

4. I agree with your analysis of the two main issues likely to arise. As regards equality of Caste Hindus and Muslims I think it should suffice if we achieve that in practice without necessarily insisting on it in theory. It seems to me that a possible way out of the difficulty may be to allow Congress to nominate for the panel from which you will select your Council one or two who are not repeat not Caste Hindus although, in fact, these would not be selected. I think Congress leaders are bound to object to anything which constitutes formal admission that Congress is purely Hindu body but might agree to an arrangement on these lines which would save their face on the principle while securing in practice what we require.

5. I assume that in referring under "sixth" in paragraph 4 to "Selection of Members of Council" you are using an abbreviation as Cabinet decision was that your right of free selection was to be preserved and though Conference would put forward names from which you would select so far as possible. I feel sure however that there is no misunderstanding about this.

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Sir E. Jenkins to Sir D. Monteath

Telegram, L/P&J/8/522: f 76

IMPORTANT

SIMLA, *23 June 1945, 9.30 pm*
Received: 23 June, 10.35 pm

No. 125-S.C. Superintendent Series. Monteath from Jenkins. Many thanks for your 14109[1] of 22nd June which Viceroy has seen. I do not repeat not think there will be any difficulty about the phrase "caste Hindus" to which you refer in your paragraph No. 4. It is in common use to denote Hindus not belonging to scheduled castes and Gandhi's protest about it fell rather flat. You will have noticed his own use of the phrase "non-caste Hindus."

[1] No. 532.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/522: f 79

IMMEDIATE SIMLA, *24 June 1945, 12.55 pm*
Received: 24 June, 1 pm

No. 127-S.C. Superintendent series. Your telegram 14134[1] of June 22nd. *Paragraphs 1 to 4* noted.

Paragraph No. 5. Your assumption is confirmed. In the Agenda paper 6th item reads "recommendations on the composition and personnel of the Executive Council".

2. I saw the Governor and the Premier of the Punjab separately yesterday morning. Governor is most apprehensive of the effect on the Punjab ministry of appointment of Executive Council in which Unionist party is not repeat not represented. He said the ministry might resign and even if the Premier decided to carry on, danger of interference and pressure from the Centre would be real. Premier expressed similar view except that he did not suggest resignation. He said frankly but in a very friendly way that we were abandoning our supporters and that if we faced him with Congress-League coalition at the Centre, he would be in a most difficult position. I explained the reason for the move and he replied that in his view we should have done nothing until the end of the war. He agreed that the matter might then have been worse, and really had no alternative solution except an attempt at a long-term settlement before any change was made. I will certainly do what I can to help him but I am not sure that the Punjab or Unionist Party can produce impressive candidate for inclusion in Council.

[1] No. 533.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 25–6

IMMEDIATE SIMLA, *25 June 1945, 1 am*
SECRET *Received: 25 June, 3 am*

No. 129-S.C. Superintendent Series. I have today seen Azad, Gandhi and Jinnah.

2. Azad was accompanied by Pant, as, though he understands English, he is shy of speaking it. He appeared to accept the main principles underlying the proposals, including whole-hearted support for the war effort, but deprecated

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haste with which Working Committee had been compelled to act, and our failure to release all Congress prisoners. He thought adjournment of Conference at an early stage desirable to permit him to consult Working Committee again. I replied I would prefer to avoid an adjournment until whole of agenda had been considered. He said that Congress would accept retention of Commander-in-Chief as War Member but hoped that closer relations could be established between Indian Government and public and Indian Army. Congress would regard India as even more closely concerned with Japanese War than Britain and could not be a party to illiberal treatment of liberated areas. I told him I saw no difficulty under either of these heads. He then dealt with Viceroy's powers and tentatively suggested some agreement about their use. I stood quite firm on this and he did not press the point very strongly. On the parity issue he said that Congress would accept equality of Caste Hindus and Muslims but would not compromise on the method of selection. Congress must have a voice in the selection of non-Hindus; and Muslims in particular must not be selected by an exclusively communal body. This seemed vital to Congress as interim arrangement would be precedent for future and composition of new Council would affect long term settlement. Azad and Pant were frank and friendly throughout.

3. Gandhi saw me alone. I explained object of proposals and spirit in which they were intended and should be worked, also necessity for support for the war effort and need for inclusion of very best men in the proposed new Council. Gandhi replied in a long and tortuous statement largely historical lasting over half an hour and ending with a sort of general blessing on the proposals which he said he had recommended to the Working Committee. He was friendly and obviously thought the move was on the whole acceptable. He then went on to deal with other points speaking from notes which were probably the result of the Working Committee's discussion. These points were:—

(*a*) that the conference would have taken place in a better atmosphere if all political prisoners and not merely the Working Committee had been released;

(*b*) that the term "caste Hindus" was objectionable and that he would have preferred "non-Scheduled Hindus". He then dilated on non-communal character of Congress and said that from the political point of view caste did not exist though he admitted that in private life it was still predominant;

(*c*) he enquired what I meant by Coalitions in Provinces obviously with the idea of establishing that minorities could be represented by members of their body belonging to Congress. I replied that essential point was that minorities should be represented by someone they trusted and that this psychological factor was important;

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(*d*) he claimed that it was essential that all civil servants should be responsible to the Government in power and not to the Secretary of State even though they are members of his Services. I replied that members of the I.C.S. could be trusted to do their best to carry out the instructions of the executive;

(*e*) he asked if the selection of members of the new Council would be made from a panel of names submitted to me. I said "yes";

(*f*) he said that in spite of severe pressure to the contrary he was prepared to accept parity between Caste Hindus and Muslims, but it must be open to the Congress to put forward the names of Muslims or Scheduled Castes. I agreed that they could do so, but said the principle of parity must be maintained;

(*g*) he referred to the agreement between His Majesty's Government and the Government of India on war expenditure. I replied that this matter was always open for discussion in Council but that so far His Majesty's Government had complained that the agreement was unfavourable to them rather than to India. He admitted that he had heard this;

(*h*) he then complained that Indian soldiers could not see him openly and had to see him at night and in mufti. I said that no government could allow its army to become political; that the Indian Army had full trust in their Commander-in-Chief: that their reputation, efficiency and discipline had never stood higher; and that on the whole it was a thoroughly contented army. Gandhi agreed.

(*i*) He then raised the question of the Indian States. I told him that the conference would deal entirely with British India and that I could not discuss the relations between the Indian parties and the States. He agreed to this.

4. I then asked Gandhi if he proposed to attend the conference. He said he represented nobody but himself, but if I wished, would attend and sit in a corner. He thought his presence was undesirable. He said he would stay in Simla if I wanted him, but that if not he would leave on 25th. I left this matter open, but have since asked him to stay in Simla during the conference.

5. Jinnah also saw me alone. He began by saying that the Muslims would always be in a minority in the new Council because the other minorities, e.g., Sikhs and Scheduled Castes would always vote with Hindus and that the Viceroy would be most reluctant to exercise his veto. I said I doubted his assumption and pointed out that Viceroy and Commander-in-Chief would see fair play for Muslims. He then proposed that if majority of Muslims were opposed to any decision, it should not go by vote. I said I certainly could not accept this and Jinnah dropped the subject. He then claimed that Muslim League had the right to nominate all Muslim Members to the new Council.

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I said I could not accept this. He then asserted that the League had won all bye-elections in the last two years and therefore represented all the Muslims of India. He suggested that I was thinking of the nomination of Muslims by Congress. I replied that I also had in mind the nomination of a Muslim by the Punjab Unionist Party. Jinnah retorted that Unionist Party were traitors to Muslim interests and that Punjab Coalition Ministry existed only by his sufferance. I refused to accept this and said that Unionist Party had done a very good job of work in Punjab. I maintained that I would not give a pledge beforehand that all Muslims should be nominated by the League.

6. Jinnah then asked how portfolios would be allotted. I said this was a matter for the Governor-General who would however naturally ascertain the views of the principal political leaders. I asked him whether he was thinking of Muslims having a fair share of key portfolios. He replied "yes", and I asked him what he considered to be key portfolios. He replied Home, Finance, War Transport and External Affairs.

7. He then asked whether Gandhi was attending the conference. I told him Gandhi's views at which he seemed upset and said Gandhi was playing another trick and that he pretended not to belong to Congress when it suited him though he was actually the Congress dictator.

8. Jinnah finally said that he would have to consult his Working Committee, but gave no indication that the Muslim League would not attend the conference. I think Jinnah may be having a difficult time with his followers. I thought him depressed and not sure of his position.

9. In the light of these discussions I assume that conference will meet at 11 a.m. tomorrow, 25th June, as already arranged.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 26–7

IMMEDIATE SIMLA, *25 June 1945, 11.55 pm*
SECRET *Received: 26 June, 2.15 am*

No. 140–S.C. Superintendent Series. Conference met at 11 a.m. today. For reasons already reported Gandhi did not attend. Atmosphere was friendly.

2. I opened proceedings with short speech of welcome which has been released to Press. I then explained spirit in which proposals had been made and must be accepted if we were to succeed. I went through text of my broadcast[1]

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and your statement[2] and dealt with certain points on which Conference might have difficulty. Real discussion began at afternoon session when Azad opened for Congress with statement covering same ground as in interview of 24th June with me. He stressed seven points:—

(1) Non-communal character of Congress and that Congress cannot co-operate on communal basis.
(2) That final solution is real aim of Congress and that proposals can be accepted only as a means to it.
(3) Difficulties of Working Committee caused by failure of Government to release all prisoners and to remove ban on A.I.C.C.
(4) Need for clarification of functions of External Affairs Department.
(5) Need for changed relations with the army which should be a truly national force.
(6) Readiness of Congress to co-operate whole-heartedly in Japanese war, but on the understanding that South-East Asia countries when liberated would not be kept in subjection.
(7) Need for clarification of relations between Government of India and Indian States.

Azad was supported shortly by Desai, Rajagopalachari and Kher. Rajagopalachari explained privately to Jenkins that he was supporting Azad in order to present his own views later. Desai explained also to Jenkins that mention of South-East Asia countries was not intended to be a condition.

3. Jinnah then spoke for Muslim League. He said Azad's points were largely irrelevant to the immediate proposals and asked me to deal with them.

4. I accordingly dealt with Azad's points except point (3) (Difficulties of Working Committee, etc.), which did not seem to require a reply. On External Affairs I explained present functions of Department and said that their reallotment was under expert examination. I made it clear that I would oppose any suggestion that Indian Army should become a political issue. I referred to its magnificent record and agreed that it must be an efficient national army, but it must not take part in politics. I told the Conference that the future of the liberated countries in South-East Asia would be a matter for several Governments and that the Government of India would be perfectly entitled to express views. There seemed to be some misunderstanding about the Indian States and I explained that British India is in constant relations with the States but the Governor-General in Council can have no political control over them. Matters of common concern, e.g., in the economic field are of course constantly discussed. On the nature of the Congress party I said that there was nothing in the proposals to brand it as a communal organisation. Jinnah interjected here

[1] No. 508. [2] No. 507.

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that Congress represented only Hindus, a statement to which Khan Sahib took vehement objection. I remarked that Congress represented its members and both Congress and Jinnah accepted this.

5. Banerjea followed with speech suggesting enlargement of Conference to include Mahasabha, Muslims outside Congress and League, and Indian Christians. He said parity of Hindus and Muslims had been generally condemned and urged immediate release of political prisoners. Richardson and Parlakimedi made unimportant speeches blessing the proposals which Richardson said the Europeans would support. Khizar expressed some concern about the future of the army with Finance entrusted to an Indian Member and about the law and order position in the States. He said he could not criticise the proposals until he knew what the composition of the Executive Council would be. Clearly the Executive Council might have great influence on the future constitution.

6. Tara Singh supported the proposals and emphasised that though the Sikhs had much in common with the Congress he must claim separate representation. He thought the new Executive Council might have little sympathy with the army. Siva Raj followed saying that he hoped the Scheduled Castes would not be accused of obstruction if they claimed essential safeguards. He could not see that the interim proposals were based on any general principles and asked for an explanation.

7. Saadullah and Hidayatullah ridiculed Banerjea's speech and said that the Conference was fully representative. Saadullah did not understand Azad's attitude to the war effort which he thought was dependent on impossible undertakings about the future of liberated countries.

8. Jinnah then asked to speak again and said that the objects of the proposals were the prosecution of the war, reconstruction, and enhancement of India's international status. Both the League and Congress knew exactly where they stood. His Majesty's Government were quite right in saying that the final solution must be by agreement and that no permanent constitution could be imposed. The League would not agree to any constitution except on the fundamental principle of Pakistan. The Congress view was exactly the reverse. The Muslim League might well claim that Pakistan must be conceded before they co-operated at all. But the League did not doubt the Viceroy's sincerity and believed that the British Government and people really wished to give a fair deal to British India. The offer must be examined in that light. He had himself made no statement on it before the Conference met. It was clear that the offer was not of independence nor of self-government. In one sense the proposals were based on no principles at all. They embodied a makeshift arrangement. In another they could be considered as a series of separate items each based on a principle of some kind and deserving examination on the

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merits. The Conference must face realities and recognise where the true right to representation lay. Just as Tara Singh represented the majority of the Sikhs and Siva Raj the majority of the Scheduled Castes, so the Congress represented the vast majority of the Hindus and the League the vast majority of the Muslims. As Jinnah was getting on to dangerous ground I cut him short at this point, and after I had answered Banerjea and Siva Raj the Conference adjourned until tomorrow.

9. The real crux is the composition of the Executive Council. I think all parties would accept the proposals if they could compromise on the method of selection.

10. There are no signs yet of a demand for an adjournment. But both Congress and League may ask for one in the next day or two. All-India Committee of Mahasabha has issued violently worded resolution condemning the proposals and the attitude of the Congress and the League to them.

On the whole the Conference has got away to a reasonably good start.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET VICEREGAL LODGE, SIMLA,
No. 24. *25 June 1945*

Many thanks for your letter of 18th June.[1] We shall both be very busy during the next few weeks, and my letters to you will be shorter than usual. I shall be glad to hear from Scarbrough while you are too busy to write.

2. I have tried to keep you fully posted by telegram on the political situation. The immediate release of my correspondence with Gandhi and Jinnah saved a good deal of trouble, and probably helped to moderate newspaper speculation. I need not repeat what I have already told you in my telegrams. The main problem will be to reconcile Congress and Muslim League views on the method of selecting the new Members of Council. I do not think the Congress have any rooted objection to the number of Caste Hindus and Muslims being equal, but they object very strongly to the Muslim League having a monopoly of Muslims, and to being manœuvred into a position in which the Congress can be regarded as a purely Hindu body. I have also to consider Punjab apprehensions—I believe Khizar is a good deal more confident than he says he is. I certainly wish to avoid any political upheaval in the Punjab, where the Unionist Ministry is still doing well, thanks mainly to Khizar himself. The

[1] No. 524.

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Conference met on 25th June as originally arranged. It is too early yet to say how it will go.

I am enclosing the text of a resolution passed by the Working Committee of the Congress on Friday, 22nd June, which I do not think you will have seen.

3. My colleagues are still uneasy about the political proposals, and realise that they have played their cards badly. I am told that Ambedkar is seriously worried about the capacity of Siva Raj to stand up for the Scheduled Castes in the face of possible Congress claims, and wishes that he had accepted my invitation not as a Member of Council but as a Scheduled Caste leader. He was of course invited not in the former but in the latter capacity. Srivastava, who has a good deal of character and a sense of humour, and does not conceal the fact that his motives are mixed, told Colville while I was away that he would like to get back to his business, and confirmed this in a talk with Jenkins a day or two ago. But he said that he would not desert me and would remain in Council as long as he is wanted. He realises that he and the other recalcitrant Members made a serious mistake when they failed to support the proposals, or at least to remain neutral. His main anxiety is that Congress may make a dead set at him if they come into office. Azizul Haque told me in Delhi that he would give me any help I needed. Sir Jogendra Singh wrote me a nice letter the other day wishing me good luck with the proposals and saying that on thinking them over he considered that I was right to make them. Firoz, on the other hand, has asked for four months' leave from 1st August, and I am to talk this over with him while I am in Simla. I am not sure what the attitude of my Indian colleagues will be if the Conference breaks down. Some of them will probably wish to go, and I feel that in any case a reorganisation of Council would be desirable. My inclination would be to drop some of the least efficient Members, and to replace them by competent administrators—possibly officials. Should the Conference fail, we could hardly persist in presenting the present Council as a body with national appeal, and until the war is over we might go for efficiency more than we have done in the recent past.

Benthall would like to take leave home from 1st August. His wife has been seriously ill, and he has been advised to see her as soon as work permits. I have told him that I have no objection.

4. I had my talk with Bhopal on the 20th June and enclose a copy of a note I recorded at the time. The upshot was that if I could send him a conciliatory letter he would take steps to restore the Chamber machinery. He was quite friendly, and as usual rather prolix. I have not got to the bottom of his request for a Dakota to take him to the U.K. later in the summer. He seems to have been talking rather loosely to senior officers in the R.A.F. who did not know that Princes do not fly about the world and arrange interviews with the Prime Minister without a previous reference to the Crown Representative and to you.

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It is quite possible that we shall hear no more about this project. Bhopal did not mention it to me during our talk, though he said casually later in the evening that he might wish to make a trip to London. I am told one of his As.-D.-C. visited Air Headquarters in this connection while he was staying with me.

[Para. 5, on the coal shortage; para. 6, on the cholera epidemic in Calcutta; para. 7, on the future of Indian external air services; para. 8, on the possibility of a visit to India by Sir W. Beveridge; para. 9, on Sir H. Dow's recess at Ziarat; and para. 10, on a grant for the Royal Asiatic Society of Bengal, omitted.]

Enclosure I to No. 538

COPY OF RESOLUTION PASSED BY THE WORKING COMMITTEE OF ALL-INDIA CONGRESS COMMITTEE ON 22 JUNE 1945 AT BOMBAY

The Working Committee, meeting after nearly three years of enforced isolation, have to consider numerous national and international problems which have taken new shape and form. The Committee will meet again in the near future for this purpose.

Meanwhile, while recognising the efforts being made to establish a new world order, the Committee regret that these efforts are being obstructed and vitiated by the ambitions and fears of the great Powers who are often moved by motives of retaining their dominion over colonies and dependencies and preventing or delaying the freedom of these countries. The Committee are convinced that world peace and any new international order can only be based on the recognition of the freedom of all these countries and elimination of all traces of imperialist control by whatever name it may be called. The Committee reiterate their policy in regard to this matter laid down by the All-India Congress Committee on August 8th, 1942.[2]

The Committee have noted with deep regret and resentment the recent attacks on Syrian and Lebanese independence, which are a violation not only of the specific pledges given to the Syrian and Lebanese people but also a negation of the principle proclaimed by the United Nations.

Enclosure II to No. 538

Note by Field Marshal Viscount Wavell

NOTE ON A CONVERSATION WITH HIS HIGHNESS OF BHOPAL, 20 JUNE 1945

1. His Highness began by saying that he approved the political proposals now under consideration but that the situation that might possibly result called

[2] See Vol. II, No. 470.

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for an early restoration of the normal machinery of the Chamber of Princes. He said that it might be possible to do this by the withdrawal of the resignations of the Standing Committee, as I had suggested; but he would like first to put before me certain considerations.

2. He then characteristically entered into a long preamble that he would not take up much of my valuable time, would enter into no details, would speak perfectly frankly, etc. He then asked permission to read a few notes which he said he had scribbled hurriedly in the plane. He proceeded to read a fairly lengthy typewritten document, which had obviously been carefully prepared some time ahead. It referred to the Princes' feeling that their position *vis-à-vis* the Crown Representative had greatly deteriorated in the last six or seven years; it contained vague accusations against the Political Department; referred to the effect on the Princes of the Kathiawar decision; spoke of the infringement of Treaty Rights, and acts of injustice which the Princes had suffered, and of the economic disabilities to which they were subjected.

3. I replied that I was responsible for anything the Political Department did, and that all cases of any importance, even those of minor importance, were brought to me by the Political Department for my decision; and that I could not accept that the Political Department had oppressed the Princes. I said there might sometimes be difficult Political Officers, but that there were often very difficult Princes. As regards the Kathiawar decision, I explained that that had been taken under the stress of time, and that the Princes had already received an assurance that that particular method would not be repeated. I said that I should be very glad at any time to go into any specific instances of infringement of Treaty Rights or acts of injustice of which the Princes complained; but that I could not agree that every dispute should be brought before a Court of Arbitration, as the Princes seemed to claim the right to do. As to economic disabilities, the Princes had had a full opportunity of discussion with the Finance Member and other Members of Council recently; and I had not heard that they had put forward any complaints of being wrongly treated. I added that the Government of India had naturally to protect itself against big commercial concerns avoiding income-tax by placing themselves in Indian States. I said in fact that I was always prepared to deal with any specific instance, but that I could not accept general accusations, of injustice.

4. His Highness then went on to speak about the restoration of the Chamber of Princes. He said that this could be done either by withdrawal of resignations or by fresh elections. He said that he would be quite prepared to propose to the Standing Committee that they should withdraw their resignations, if he could get a letter from me which he could lay in front of the Princes, in which I could say that our letter of December the 2nd, 1944,[3] was not intended to

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preclude entirely further discussion of the points at issue, and that I should be prepared to meet a deputation of Princes in August for further discussion.

5. I said that I would always be ready to discuss any matter with the Princes, provided it was not mere reiteration of matters already disposed of; that the decision on the Courts of Arbitration had been carefully considered by me and referred to His Majesty's Government, and that I could hold out no hopes of any alteration in that matter, though I would be prepared to listen to any fresh arguments the Princes liked to bring forward. I said also that the decision about the Kathiawar grouping was a final one, that we had met the States concerned as far as possible by a revision of the Instrument of Attachment, and that this scheme must go forward; but that anything the Princes wished to bring forward about standards of administration, further co-operative grouping, and so forth would be in order.

6. What His Highness really wants obviously is a face-saving letter on which the Standing Committee can withdraw their resignations. He said he would give P.S.V. a note of the points he would like covered in the letter. Unless he has something up his sleeve, I gather he would be satisfied with a letter which said that I was open to hear a deputation of the Princes on the matters dealt with in our letter of December 2nd, and to consider anything further they wished to put forward. He proposed that this meeting should take place in August. I did not commit myself, but I think there should be no difficulty in sending him a letter which will enable the Standing Committee to withdraw their resignations.

7. I did not raise the matter of any Press announcement, nor did he; but we shall have to watch this, and it might be as well to mention the matter in the letter.

W.

[3] Enclosure to No. 98 as amended by No. 118.

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Field Marshal Viscount Wavell to the Nawab of Bhopal

L/P&S/13/982: f 63

No. 681/2 SIMLA, *25 June 1945*

My Dear Nawab,

I have considered the discussion I had with Your Highness on 20th June.[1] I am sorry it was delayed by my absence in London.

I understand and appreciate the Princes' anxiety about the future, and am prepared, as I always have been, to do what I can to remove it. It is particularly

[1] See Enclosure II to No. 538.

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important that we should avoid misunderstandings now, when so many States have helped and are helping whole-heartedly in the war effort.

As I told you, the official letter of 2nd December[2] was not intended to end all discussion and negotiation. I am always ready to discuss with the Princes matters about which they feel concern, and if Your Highness would like me to arrange a fairly early meeting—perhaps in August—I shall be very glad to do so.

In the meantime, there is much to be gained by the early restoration of the normal working of the Chamber of Princes. I still feel that if Your Highness and the other Princes concerned were to withdraw your resignations, this would be the quickest and most convenient solution.

Yours sincerely,
WAVELL

[2] Enclosure to No. 98 as amended by No. 118.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 27–8

IMMEDIATE
SECRET

SIMLA, *26 June 1945, 9.10 pm*
Received: 27 June, 2 am

No. 141–S.C. Superintendent Series. Conference met again at 11 a.m. today with full attendance of delegates.

2. In the light of Jinnah's remarks reported in paragraph 8 of my No. 140–S.C.[1] of 25th June I circulated a statement of matters for decision by Conference, text of which will be found in my immediately succeeding telegram. I said I understood that Jinnah thought discussion on these lines would be useful. I had divided the statement into two parts. The five points in Part A were for settlement primarily between the individual parties and myself as the representative of His Majesty's Government. The two points in Part B were for settlement primarily between the parties themselves. The Conference would understand that even if agreement were reached on both parts of the statement the final responsibility for advising His Majesty's Government whether the new Executive Council to be formed on the basis of the discussions would be a competent and harmonious body capable of performing the tasks assigned to it must rest on me alone. I realised that the two parts of the statement were interlocked as some delegates had made it clear on 25th that their final view on the proposals as a whole would depend on the composition of the new Executive Council. I proposed to take the five points in Part A of the statement first and to ask the views of the Conference on each of them provided that a satis-

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factory agreement on Part B could be reached later. Jinnah indicated that I had interpreted his suggestion correctly, and the conference agreed to the procedure proposed.

3. *Points A (i), (ii) and (iii).*—These were agreed to unanimously subject to unimportant comments by Motilal and Khizar on point A (*i*).

4. *Point A (iv).*—Banerjea said he objected in principle to communalism and to the distinction between caste and non-caste Hindus. Members of Council should be selected for ability and capacity and might all be Muslims or Scheduled Castes men if they had the confidence of the people. Parity was illogical and reduced 250 million Hindus to the level of 90 million Muslims. There was much public feeling on this question, and the Hindu Mahasabha were prepared for a fight. The parity proposal deserved further consideration. Moreover the Scheduled Castes had not been fairly treated. At the end of the discussion he asked that his dissent might be recorded. Siva Raj confirmed the objection of the Scheduled Castes to parity between Muslims and Caste Hindus. He claimed that any weightage conceded at the expense of the Hindus should be shared equally between all minorities. He referred to proposals for concessions on these lines to other minorities alleged to have been made by Jinnah to Linlithgow in 1940, and implied that Jinnah had gone back on the views he had then held. (Jinnah contradicted him here, saying, I understand correctly, that in 1940 he had been concerned only with the entry of the Congress and the Muslim League into the Executive Council, that he had claimed parity for the League and Congress and a majority for the League if the Congress stood out, and that the other minorities had been considered only incidentally.) Siva Raj added that he could not agree with Banerjea that there should be no distinction between caste and non-caste Hindus. The Scheduled Castes thought the distinction essential. He agreed however to point A (*iv*) for the purposes now in view.

Azad stated orthodox Congress view that Members of Council should be appointed on a political and not a communal basis. Congress agreed to point A (*iv*) as they held no strong views on the numbers of the different communities in Council. They did however hold very strong views on the door through which the various Members entered.

The other Congress delegates generally supported Azad but Pant in working up to the same conclusion said he personally thought the weightage given to Muslims quite unjustifiable and regarded a National Government on a communal basis as a contradiction in terms. These observations drew a sharp retort from Jinnah who said that if necessary he could deliver a lecture on Pakistan and that extreme party attitudes were not helpful at the present time. Khan Sahib in agreeing to point A (*iv*) said that the only radical cure for the communal problem was a revolution.

[1] No. 537.

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It was clear that the Conference accepted point A (*iv*) with Banerjea alone dissenting.

5. *Point A* (*v*).—Banerjea suggested that the Viceroy's powers should be restricted by convention. I said this was unacceptable, and after some discussion with Siva Raj, who wanted the Constitution Act amended so as to make it quite clear that the powers could be used to protect minorities, this point was agreed to unanimously.

6. I then took up Part B of the statement and asked whether the Conference wished to handle it by private discussions (including if necessary discussions between Leaders and myself), by the appointment of a Committee, or by a combination of both these methods. I said that later Part B would have to be considered by the full Conference. I thought it might be possible to discuss the strength of the Executive Council in the full Conference before we went further. Rajagopalachari and Jinnah, with whom the other delegates agreed, said that private discussions were essential at this stage and that the strength of Council could not be considered independently of its composition. They asked for an adjournment to enable the delegates to consult one another. I agreed and the Conference adjourned until tomorrow 27th June.

7. The atmosphere today was again cordial. Jinnah seemed in a better temper and it is clear that all present, with the exception of Banerjea and possibly Khizar, would like to accept the proposals if they can get over their communal difficulties. Khizar is still worried about his own position but would I believe be happy if he could get a Unionist Muslim into Council.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: f 28

IMMEDIATE SIMLA, *26 June 1945, 9.30 pm*
TOP SECRET *Received: 27 June, 3 am*

No. 142-S.C. Superintendent Series. Following is text of statement referred to in my immediately proceeding telegram:—

Begins. Statement of matters for decision by Conference.

A. Subject to agreement under B, is the Conference prepared to agree to an Executive Council—

(*i*) publicly committed to the three tasks set out in the Viceroy's broadcast;[1]
(*ii*) consisting of men of influence and ability recommended by the Conference, and prepared to take decisions and the responsibility for them;

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(*iii*) with all portfolios (including External Affairs) held by Indian Members, except the War portfolio which would be held by the Commander-in-Chief;
(*iv*) having within it an equal number of Muslims and Hindus other than those of the Scheduled Castes; and
(*v*) working in all respects under the present Constitution, including the constitutional provisions for control by the Secretary of State and the Governor-General.

B. Subject to agreement under A, is agreement possible on—
(*i*) the strength and composition by parties and for communities[2] of the Executive Council;
(*ii*) the method by which panels of names will be submitted to the Viceroy to enable him to make his recommendations for appointment to the new Executive Council.

Ends.

[1] See No. 508. [2] 'communities' deciphered as '(?lines)'.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 28–9

IMMEDIATE SIMLA, *27 June 1945, 11.35 pm*
SECRET *Received: 28 June, 2.5 am*

No. 147–S.C. Superintendent Series. After yesterday's adjournment there was a meeting between Pant and Jinnah. I understand that Jinnah maintained extreme League attitude and refused to see Azad. Pant gave one of my staff a message early this morning that Congress would not repeat not accept League's demand for exclusion of Congress Muslims. Adjournment also revived Khizar's apprehensions and in talk with Jenkins this morning he repeated arguments used at his interview with me on 23rd[1] and said he feared bargain between Congress and League which would include substitution of Congress-League ministry for Unionist Ministry in Punjab which he thought would lead to chaos. He said proposals were bad whatever the composition of the Executive Council but would be disastrous for the Punjab if Punjabi Muslim independent of League were not included.

[1] See No. 535.

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2. Conference began at 11 a.m. today. I reminded Conference of my own position. I said I had three obligations to His Majesty's Government.

First, however the composition of new Council might be arrived at, there must within it be equality between Muslims and Caste Hindus.

Second, I must make a positive selection and could not accept any names put forward merely because they bore particular party labels.

Third, I must on my own responsibility decide and advise His Majesty's Government whether on best selection possible new Council would be a competent and harmonious team prepared to work on first two tasks contemplated and to approach the third in spirit of conciliation.

This meant that Council as a body must as far as possible command confidence of the whole of India. I also pointed out that in the Conference the delegates were equal in status though some of them happened to belong to the major parties. The Conference had been called to advise me about the formation of the new Executive Council and in view of the obvious party differences I would like to know how best it could advise.

3. Jinnah said that he and Pant had exchanged Congress and League views at a discussion yesterday. Jinnah had informed his own supporters but Pant had apparently not informed Congress and no progress had been made. Referring to a remark of Khizar he assured the Conference that there was no question of "squeezing out" the individual delegates who did not belong to the major parties.

4. I asked how the Conference wished to proceed. I suggested further private meetings or discussions between the leaders (including those not belonging to the major parties) and myself. Or the Conference might wish to appoint a Committee of the leaders. I said I would give all possible help and was at the disposal of the delegates at all times. After discussion the Conference agreed that there should be a further meeting between Pant and Jinnah. The result of this meeting would be reported to me and I would then if necessary give my help. I gave an assurance to the delegates not belonging to the Congress and League that they would have an opportunity of submitting names to me in due course. Azad, who is evidently sore at Jinnah's refusal to see him, raised the question of Pant's status and asked whether Jinnah would prefer to deal with a properly authorised representative of Congress. The Conference got over this difficulty by agreeing that Pant should report to Azad before committing Congress.

5. We have arrived at the critical point of the Conference and the main stumbling-block is the attitude of Jinnah, i.e., his claim to nominate all Muslim members. I am told he is under pressure from some of the League Premiers not to allow the Conference to break down on this claim. The most difficult

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problem will be to provide for the inclusion of a Punjab Muslim. Jinnah has asked to see me this evening.

6. The attitude of Congress so far has been conciliatory and reasonable. Sikhs appear to be content provided they get one representative in Council. Depressed Classes representative is anxious but has generally supported proposals. I have reported Khizar's apprehensions about the Punjab. Banerjea voices Mahasabha objections against Muslim parity but I do not think he carries much weight. Richardson and Parlakimedi are helpful but have little influence.

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The Earl of Scarbrough to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *27 June 1945*
Received: 4 July

The Secretary of State is fully engaged in his constituency throughout the Election and he has asked me to take on for this week the usual weekly letter to you, and this it is a great pleasure to do.

2. I expect you would like to have some appreciation of the General Election here; but although we have only a week to go before Polling Day, I find it extremely difficult to say anything definite. I do not think any careful observer could be found who would commit himself to a definite prophecy. There are so many unknown factors and many constituencies are so greatly changed since the last Election 10 years ago, very often on account of the war, that the only true thing to say is that the result is still very open. Anything might happen, but I certainly do not exclude the possibility of a sweeping victory for the Prime Minister, and if I were forced to make a guess, I would think that rather more likely than any other result. The Prime Minister is at present making a most energetic tour through the Midlands and parts of the North of England and Scotland, and he is receiving what is quite clearly a most remarkable ovation wherever he goes. Enormous crowds line the route and his reception appears to be quite overwhelming. I should think that this tour will stir up an enthusiasm which has hitherto been rather lacking on either side. There have been a number of complaints of apathy about this Election, which would appear to suggest that there is no great issue on which it is being fought and that the usual electioneering dog-fight does not make a great appeal. The reception which the Prime Minister is receiving perhaps indicates the very strong feeling in his favour which exists and that that will be the deciding factor.

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3. As far as I can make out, India does not figure as a political issue at this Election. The exception is the Secretary of State's election contest in Sparkbrook where Palme Dutt, the Communist, is dragging in India as one of the main issues. For example, he suggests that the Secretary of State is responsible for all the famine deaths in Bengal and he purports to receive many telegrams of good wishes from bodies such as the Bengal Kisan Sabha which, I have no doubt, are concocted by his Communist friends in India. On the other hand Srivastava's letter on the subject, a most generous gesture, has been published in the Birmingham Press and should exercise a steadying influence. As there is more than one Left-Wing candidate fighting the Secretary of State in his constituency, I hope that the result is in no doubt, though he must be having a difficult and unpleasant fight.

4. I have spoken in half-a-dozen constituencies, so far, from Chester-le-Street to Dover and have had well attended and quite attentive meetings. There has been only one mention of India; while I was warming up in my peroration about the three big world leaders, someone in the audience wished to add Gandhi as the fourth! Apart, therefore, from the Secretary of State's constituency India scarcely figures in this Election and for that I think we should thank Attlee and Cripps for the support they gave to the new proposals when they were announced—thus keeping them out of controversy.

5. At the time of writing I have just seen the result of the third meeting of your Conference at Simla. It seems to be going remarkably well so far. The acceptance, apparently without great difficulty, of the retention of the Governor-General's powers and of parity between Moslems and Caste Hindus, is most striking; even if agreement is not eventually reached on the composition of the Executive Council the breakdown will be due not to the obstinacy of the British but to the failure of the communities to agree amongst themselves. It seems, however, legitimate to hope that as the Conference has gone so well up to now, there is a desire to work your proposals and that some agreement between them on the composition of the Council should be possible. The Press here is giving a good deal of space to the Conference and I am glad to say that you yourself are receiving a very good press, for example, in the *Daily Herald* as well as in other papers.

6. We sent a telegram yesterday[1] about the proposed announcement of shipments of wheat from which you will have seen that the Ministry of War Transport now agree to an announcement being made provided that an assurance is given that the tonnage can be handled during the next six months. I would like to suggest, if I may, that it would be helpful at this end if you could ensure that correspondence between the Commander-in-Chief and the War Office does not during the six months period of this import programme, throw

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a doubt on the ability of India to take this tonnage of food, without consultation with you, as such doubts reach the ears of the Ministry of War Transport and lead to the kind of difficulty which has held up their agreement to this announcement.

[Para. 7, on complaints received on the handling of the passage problem by the Indian Priorities Board; para. 8, on a letter from Mr Tata to Mr Amery; para. 9, on the design and planning of the proposed Bhakra Dam; and para. 10, on Colonel Himatsinhji's work for the Indian Army in the U.S., omitted.]

11. You will remember that when you were in London you attended a meeting of the Cabinet Committee[2] to consider what should be done about Dalal's desire for an amendment of the commercial discrimination provisions of the Government of India Act. This matter subsequently came before the Cabinet[3] who agreed with the Committee that there could be no question in present circumstances of any repeal of these provisions. They also decided that there could be no detailed negotiations with Dalal on these matters at the present time and that he should be told that in view of the forthcoming Election the Government were not in a position to explore in any detail proposals which raised such far-reaching questions. Amery was authorised in communicating this decision to Dalal to leave the door open for consideration whether agreed adjustments could be made to meet particular cases of difficulty actually arising, but not to hold out hope to him of any amendment of the provisions of the Act. Amery saw Dalal on 7th June and I enclose a copy of a note in which he recorded his conversation with Dalal.[4]

12. We have sent the Foreign Office a copy of Khizar's letter[5] which you sent with your letter of 7th June[6] and enclosure mentioning your covering remarks on the subject of Indian Moslem interest in the Levant and Middle East generally. There would of course be no objection to Khizar being informed that his note had been brought to the attention of His Majesty's Government.

[Para. 13, on the future of Indian air services, omitted.]

14. As Polling Day is on Thursday, July 5th, and I shall be away speaking in the North for the whole of the beginning of that week, I do not think there will be another letter until Amery returns to the Office after the Election. The result of the Election will not be known until July 26th, so we shall all be in a state of suspended animation for three weeks not knowing whether the present Government has been elected or rejected.

[1] No. 14379. L/E/8/3327. [2] See No. 449. [3] See No. 469, Minute 2. [4] See No. 485.
[5] See No. 504, note 3. [6] No. 504.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 29–30

MOST IMMEDIATE SIMLA, *28 June 1945, 4.5 pm*
SECRET *Received: 28 June, 3 pm*

No. 149–S.C. Superintendent Series. My discussion with Jinnah yesterday afternoon was inconclusive. I began by saying that while I appreciated his difficulties, I had to consider Provinces as well as Parties, and in view of importance of Punjab both to the Army and to food supply, I thought the inclusion of a Punjabi Muslim in the new Council essential. I had in mind someone without strong party affiliations either to League or to Unionists, Jinnah made rambling and prolix reply referring to his 1940 offer,[1] attacking the Unionist Party, and working up to the conclusion that he really commanded the allegiance of practically all the Muslims in the Punjab.

2. I then asked him about his conversations with Pant. He said they had been completely negative; that Congress had claimed 2 seats out of the Muslim quota in Council; and that no further progress had been made.

3. I then asked whether the strength of the Council had been discussed. Jinnah said Congress would undoubtedly press for strength of 16 including Viceroy and Commander-in-Chief, and would probably want to include an Indian Christian in the minority seats. He said he himself wanted a Council of 14 including Viceroy and Commander-in-Chief, 5 Hindus, 5 Muslims, one Sikh and one Scheduled Caste. On any other basis Muslims would be outvoted on every issue. I pointed out that if the Muslims entered Council in this spirit, the whole purpose of the proposals failed. I asked Jinnah what issues he had in mind. He mentioned only post-war industrial development.

4. I then asked what his position was regarding the selection of Muslim Members. He said they must all be nominated by the League. I replied that this was entirely unacceptable to me and asked whether he intended to wreck the conference on this issue. After considerable discussion I gathered that while the League claimed the right to nominate all Muslim Members (who must be Leaguers), if I put it to Jinnah that out of the Muslim quota I would allow the League only so many, he would be prepared to consult his Working Committee further. He seemed unwilling to put in panels including more names than there are seats, but said he was ready to put in the number of names actually required and to suggest substitutes if I[2] objected to any of them. I thought Jinnah worried and ill at ease. He was more polite and less businesslike than usual.

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5. I think agreement on party quotas between Congress and League most unlikely. The Conference meets at 11 a.m. tomorrow to consider progress made in the private discussions. I do not repeat not propose to see the leaders again today unless they ask to see me. If there is a preliminary settlement, the conference will consider it. But if there is none and a breakdown is to be avoided, I must take the initiative. I propose to say that as the parties seem anxious to co-operate but are unable to agree among themselves, I suggest that the conference submit to me lists giving names of those they would like to see included in the Executive Council. I will consider these lists and see whether I can produce an Executive Council which is generally acceptable. More names should be included in the lists than the number of seats likely to be available to any particular interest, and I reserve the right to add names of my own.

6. If the conference accepts this proposal, I will telegraph my provisional selection to you and await your agreement before discussing it further with the leaders or the conference as a whole. I believe that if we continue to discuss party and communal representation without reference to personalities, the conference will break down, whereas I might be able from names submitted to me by parties and my own additions to form an Executive Council which would be generally acceptable.

7. I trust you will agree to this procedure. I am convinced that there is real anxiety to co-operate, and that parties may sink their differences if I give them firm lead.

[1] In a letter dated 1 July 1940, Mr Jinnah sent the Viceroy a memorandum headed 'Tentative Proposal' in which he indicated the assurances and the representation in the Executive Council and in the proposed War Council (War Consultative Committee) that the Muslim League would require in order to co-operate with the government.

[2] 'I' deciphered as 'Gandhi'.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: f 67

MOST IMMEDIATE INDIA OFFICE, *28 June 1945, 8.30 pm*

SECRET

14609. Superintendent Series. Your 149-S.C.[1] I consider that line of action proposed in paragraphs 5 and 6 is within the terms of policy approved and agree to procedure you propose. Requirement in last sentence of paragraph 5 is of course essential.

[1] No. 544.

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The Nawab of Bhopal to Field Marshal Viscount Wavell

L/P&S/13/982: f 49

QASR-I-SULTANI, BHOPAL, *28 June 1945*

My dear Lord Wavell,

I am in receipt of Your Excellency's letter of the 25th June[1] from Simla and offer you my sincere and grateful thanks for it.

It will give the Princes much satisfaction to know that Your Excellency appreciates their anxiety about the future and that you will be prepared to help in removing it. I am sure they would all wish me to thank you for this assurance.

Your Excellency has made it clear that the official letter of 2nd December 1944 was not intended to end all discussion and negotiation. This will no doubt facilitate early restoration of the normal working of the Chamber. You have further informed me that you will be ready to discuss with the Princes matters which may be of concern to them. I greatly appreciate this and I am sure all the Princes would do the same. An early meeting with the Princes to discuss matters, which are of vital importance to them, and their satisfactory settlement, will help much in removing misunderstandings that may have arisen. I agree with Your Excellency that it is particularly important that we should avoid all misunderstandings now.

I hope to place a report of my discussion with you on 20th June, along with your letter of 25th June, before the Princes on the 10th of July at Bombay, and will communicate to Your Excellency the result soon after the meeting. I have reason to hope that the decision of the Princes would be satisfactory.

In the meantime I should like to thank you very much indeed for your kind offer to arrange an early meeting with the Princes,—perhaps in August. In this matter I should prefer, with your permission, to make definite proposals after the meeting in Bombay where now the question of the withdrawal of resignations will also be considered.

In conclusion may I send you once again my very best wishes for your success at the Simla Conference.

Yours sincerely,
HAMIDULLAH

[1] No. 539.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: f 30

IMMEDIATE SIMLA, *29 June 1945, 8.23 pm*
TOP SECRET *Received: 29 June, 11.25 pm*

No. 153–S.C. Superintendent Series. It was clear as soon as Conference met this morning that parties had failed to agree. I spoke on lines of paragraph 5 of my No. 149–S.C.[1] of 28th June, to which you had agreed in your No. 14609[2] of same date. Except for Siva Raj and Jinnah, Conference agreed to submit lists subject to following comments:—

(1) Azad supported by other Congress delegates said Congress must include in their lists names of Scheduled Caste men and Indian Christians and by implication Muslims. He would have to discuss Congress list with Working Committee which would take about a week.

(2) Khizar and Parlakimedi suggested that lists submitted to me should be secret and that my final proposals should not repeat not be discussed in full Conference unless I was satisfied that they would be accepted. I agreed that the lists submitted to me would be secret and said I would have to consider the views of leaders, whom I would consult privately, before deciding whether to place final proposals before Conference.

(3) Tara Singh suggested that if my final proposals were not acceptable there should be general elections at the Centre after which a further effort at a solution should be made. This is not repeat not acceptable.

2. Siva Raj said he could not commit himself to accepting any nominee of the Congress as representative of Scheduled Castes. He would have to consult Working Committee of his Federation before agreeing even to submit a list.

3. Jinnah said that ultimately any proposals he was prepared to accept would have to be ratified by the League but he could not go to the League until he had a complete scheme before him. He said he could not understand[3] the procedure I proposed and asked me to send him a statement of it in writing. I agreed to this. He also asked to what he was being committed. I replied that I could not compel any party or individual to enter my Executive Council and that at present all I was proposing was that he should submit a list.

4. It was agreed that those who have undertaken to submit lists, including the Congress, will do so within a week. Siva Raj saw me after the Conference and agreed to submit a list after consultation with his Committee. Jinnah will consult his Working Committee and may decline to submit a list at all.

[1] No. 544. [2] No. 545. [3] 'understand' deciphered as 'accept'.

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5. Conference is adjourned to morning of Saturday, 14th July. Jinnah is difficult and neither Congress nor League will at present give ground. I am unlikely to telegraph my provisional selections before 8th July.

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Sir E. Jenkins to Mr Jinnah

Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 63

No. 592/9/II VICEREGAL LODGE, SIMLA, *29 June 1945*

Dear Mr. Jinnah,

The following is the action which His Excellency would like you to take if after consultation with your Working Committee, you are able to accept the suggestion he made at this morning's meeting of the Conference:—

(1) To prepare and send him a list giving the names of members of the Muslim League who in your opinion could suitably be included in the proposed Executive Council. The number of names in this list should be not less than 8 or more than 12.

(2) If you think you can usefully suggest, for possible inclusion in the Executive Council, the names of persons of any community who are not members of the Muslim League, you are at liberty to add them to your list, keeping them distinct from the names of Muslim League members. His Excellency hopes he made it clear this morning that this is entirely optional.

2. His Excellency's intention is to scrutinise the lists sent to him and to see whether from them, and possibly from additional names of his own, he can, on paper, form an Executive Council likely to be acceptable to the parties and to His Majesty's Government. If so, he will consult leaders including yourself, and thereafter decide whether it is worth while making definite proposals to the Conference.

Yours sincerely,

E. M. JENKINS

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Field Marshal Viscount Wavell to all Provincial Governors

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 63–4

IMMEDIATE *30 June 1945*

TOP SECRET AND PERSONAL

No. 155–S.C. Before Conference met on 29th situation was as follows:—

First. —All parties had accepted His Majesty's Government's proposals subject to agreement on strength and composition of Executive Council.

Second.—Discussions between Congress and Muslim League on strength and composition of Executive Council had broken down.

2. At meeting of 29th I suggested that all parties should send me lists of names of persons recommended for inclusion in new Executive Council. I would then without committing myself to any arithmetical formula attempt to produce on paper Council acceptable to His Majesty's Government, myself and parties. Conference agreed to this except Muslim League on whose behalf Jinnah said he must consult his Working Committee before agreeing to submit list.

3. Disagreement between Congress and League is due on the one hand to Congress claim to put forward names from all communities including Muslims and insistence on inclusion of at least one Congress Muslim, and on the other to Jinnah's claim to nominate all Muslims from the League. I consider Congress has reasonable claim to nominate at least one non-Hindu but that in view of situation in N.-W.F.P. and Punjab Jinnah's claim is unreasonable.

4. It is likely that Jinnah will either decline to submit list or refuse to accept my provisional selection. If so, I shall be pressed by Congress and others to attempt to form an Executive Council without Muslim League. I should have to refer this to Cabinet and have not yet decided what line to take. Provisionally I think that Executive Council largely composed of Congressmen and non-League Muslims would not (repeat not) work. Congress would have all the political influence and Press support and Muslims in Council with League hostility would be in difficult position.

5. Please advise me as soon as possible what course you recommend if Muslim League decline to co-operate in new Council.

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Sir D. Monteath to Sir E. Jenkins

Telegram, L/P&J/8/522: ff 58–9

IMPORTANT INDIA OFFICE, *30 June 1945, 7.30 pm*
SECRET

14792. Superintendent Series. Jenkins from Monteath. References in Viceroy's latest telegrams to procedure he now proposes to follow seem to indicate that after receiving the Secretary of State's endorsement of the provisional list of names which he hopes to telegraph in a week's time he will proceed to discuss them with the political leaders, either by discussing with individual leaders the nominees with whom they are immediately concerned (e.g. the Moslem nominees with Jinnah) or possibly by discussing with each the complete list of recommendations.

2. Granted that it is only by some degree of canvassing of names that the Viceroy can be in a position to report authoritatively whether his provisional composition of Council will meet with the general acceptance which is an essential condition of success of whole plan (cf. paragraph 17 of the Secretary of State's statement),[1] the Cabinet's insistence on the retention by the Viceroy of unrestricted freedom of choice (cf. for example paragraph 5 of the Secretary of State's telegram of 22nd June, No. 14134)[2] suggests that it might be as well to insure as far as possible against occurrence of some last-minute hitch here on the ground that he had surrendered his freedom of choice to the veto of one or other of the parties, particularly if it should seem that the veto was being exercised in regard to the selection of a name or names with which the party making the objection was not immediately concerned.

3. Would it be possible for the Viceroy to take the opportunity of the breathing space now afforded to give a more precise indication of the procedure he proposes to follow which would obviate any risk of last-minute objection that his freedom of choice was being imperilled? If H.E. has in mind submission of review of week's developments it might perhaps conveniently include such indication.

[1] No. 507. [2] No. 533.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: f 31

IMPORTANT SIMLA, *1 July 1945, 10.55 pm*
SECRET *Received: 1 July, 7.20 pm*

No. 161-S.C. Superintendent Series. Monteath's telegram to Jenkins No. 14792[1] of 30th June. Procedure I contemplate is as follows:—

First.—Parties submit list of names to me.

Second.—From these lists and any names I may add to them I make provisional selections. These may be equal to the strength I decide to recommend for the Executive Council, or may exceed it if I think it advisable to obtain approval to some alternative choices.

Third.—I telegraph my provisional selections to you without consulting leaders or Conference.

Fourth.—If provisional list is approved I consult leaders (Jinnah, Azad, Siva Raj, Tara Singh and Khizar Hyat Khan). At this stage I would on good grounds use the alternative choices (*a*) to increase strength of Council if this seemed essential, or (*b*) to meet views of leaders on compatibility of team as a whole. I would not repeat not go outside approved names without reference to you.

Fifth.—I decide whether final list should be put to conference or not, and report to you. If Congress or League refuse to accept it the whole position would have to be reconsidered.

2. I do not see how this procedure in any way imperils my freedom of choice.

3. I have kept you very fully informed and do not propose to send review of week's development unless you particularly want one.

[1] No. 550.

552

Note by Sir E. Jenkins

Wavell Papers. Notes of Important Interviews, 1944–7, pp. 177–9

1 July 1945

You have met Pandit Jawaharlal Nehru[1] once, during the Cripps negotiations in 1942. You have a mutual friend or acquaintance in Edward Thompson.

[1] [Note in original:] We are arranging an interview for him tomorrow afternoon.

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I have never met Nehru myself, as for many years he has avoided British officials.

2. The Nehrus are by origin Kashmiri Brahmins. They originally settled in Delhi, and their name is said to be derived from the fact that their Delhi house adjoined a canal. Many years ago—I do not know exactly when—they migrated to Allahabad, which is still the headquarters of the family.

3. Kashmiri Brahmins are gifted people. Many of them are physically and mentally above the average, and do well in the professions and in the civil services. Many Nehrus, Saprus, and Kauls have been prominent in one way or another in Northern India.

4. Pandit Motilal Nehru, Jawaharlal's father, joined the Congress when it was little more than a progressive political organisation, and before asceticism became the fashion. I do not know whether he inherited money, but I believe he made a lot as an advocate, and died a wealthy man. After the last war, when Gandhi guided the Congress into an extreme course, Pandit Motilal Nehru remained a prominent Congress leader. But he was a *bon viveur* and a genial man, and I think he always had a good many English friends except perhaps during the very last years of his life. He sent Jawaharlal to Harrow and Trinity, Cambridge, and could not have intended him originally for a life in the political wilderness. His daughter—Jawaharlal's sister—Mrs. Vijaya Lakshmi Pandit, went much the same way as Jawaharlal.

5. There is no doubt about Jawaharlal's ability. He is a good writer of English with a style of his own, and a good speaker. In my young days he was the Prince Rupert of the Congress organisation, much admired by his elders, and the idol of the average Indian student. The Congress High Command has changed very little during the last 25 years, and Jawaharlal plays much the same rôle as he did in the 1920s. But he must now be over 55, and is getting a little old for it.

Nor is there any doubt about Jawaharlal's integrity. There are many crooks in the Congress—unscrupulous people with a craving for power or money—but Jawaharlal is not one of them. The son of wealthy people with prospects, e.g., of a brilliant career at the Bar, does not lightly spend many years in jail or in association with people with an entirely different background from his own, many of whom he must find extremely tiresome.

His balance is a much more doubtful thing. He thinks himself an expert on foreign affairs, and has been emotionally attracted by Russia and Russian communism. I suspect that it was he (with the aid of some imprudent American correspondents) who (intentionally or unintentionally) pushed Gandhi over the edge in 1942. He lets his eloquence and mastery of words get the better of his judgment. Since his release from jail on 15th June he has made a statement

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almost every day. He has dealt mainly with the Bengal famine, with corruption in the services, and with the alleged brutality with which the 1942 disturbances were suppressed. In the time at his disposal he can hardly have studied these subjects deeply, and one can only assume that he is speaking on half-digested material supplied by interested members of his own party.

Whether Nehru is a strong character is also doubtful. It is generally believed that although he differs from Gandhi in many matters, he is on all matters finally dominated by Gandhi. This is due in part to filial piety, as his father and Gandhi were great friends. But I am not sure that when it comes to action Nehru is a strong or decided man. His autobiography,[2] which is both interesting and moving, gives the impression of a man who sees himself always as a victim and martyr, and enjoys situations in which he can pity himself.

6. I think you will find Nehru emotional, rather unstable, and attractive. In talking with him I suggest you should cover much the same ground as in your talks with Gandhi and Jinnah, and should also tell him how much harm his recent speeches are likely to do. The points to be taken are briefly as follows:—

(1) The British Government and people sincerely wish to let India have the kind of constitution India wants.
(2) The Gandhi-Jinnah talks last year showed clearly that a long-term solution by discussion between political leaders was not yet in sight.
(3) The reception given to the Sapru Committee's Report showed equally clearly that a more dispassionate examination of the problem by experts was unlikely to lead anywhere.
(4) His Majesty's Government do not wish to let things stay as they are; at the same time they cannot abandon India to chaos and communal strife.
(5) The present move is intended as a step towards a long-term solution, but its success will depend entirely on the spirit with which it is accepted, if it is accepted.
(6) If the Congress, and for that matter the League, enter the proposed new Council hating the British and suspecting one another, there will be no progress.
(7) On the other hand, if, for the time being at least, and without commitment on the long-term solution, the parties will work with one another and with the Viceroy, a great deal could be achieved, and within a year or so it might be possible to get down by agreement to consideration of the long-term solution.
(8) It is of course essential that the new Council should consist of the real leaders—that is to say, of front-rank men.

[2] Jawaharlal Nehru, *An Autobiography with Musings on Recent Events in India* (London, John Lane The Bodley Head, 1936).

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(9) The Congress and the League have so far failed to reach agreement on their respective quotas within the Executive Council, and it is for this reason that Your Excellency has asked the parties to submit lists to you in the hope that you may be able to form on paper an Executive Council acceptable to all concerned.

(10) If Nehru can help in any way you will be obliged, but he must understand that a real change of outlook is involved not only on the British but on the Indian side. When you said in your broadcast that there was much to forgive and forget you had in mind particularly the 1942 disturbances. You have no intention of casting them in the teeth of the Congress, but the Congress must conversely realise that if they embark on a campaign of revenge and victimization, that would be a very serious matter indeed. By doing so they would prejudice the whole success of the proposal. Civil officials are required to obey the orders of the Government under which they are serving, and cannot fairly be attacked for acts done in pursuance of an approved policy, but there is a genuine apprehension that if ministries are restored in the Section 93 Provinces there will be wholesale victimization.

(11) One of the obstacles to progress seems to be that the leading men of the political parties have never themselves held high office. A great deal of the haggling over quotas in the Executive Council is due to the belief that a majority in Council can consistently overrule a minority. This is of course not so, for if a majority in Council consistently disregards a considerable minority, the Council as a whole works under the shadow of disintegration. Much the same situation arises in Coalition Cabinets at home. If a Coalition Cabinet is to hold together at all there must be tolerance and compromise.

7. I fear this is a very long note, and you may not have time to cover all the ground. But as Gandhi's probable successor and as the man likely to dominate a great part of the Congress for many years Nehru is important.

E. M. JENKINS

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Mr Bourne (Central Provinces and Berar) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 66

IMMEDIATE *1 July 1945*

TOP SECRET

No. 519/M.S. Your telegram No. 155-S.C.[1] of 30th June. Nothing in authorised proposals to suggest all Mussulmans must be nominated by League nor

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would such nomination be desirable. Provided other Members of Conference can suggest suitable panel of Mussulman candidates for Council choice independent (group corrupt) of Mussulman League may be advantageous as affording opportunity to select Mussulman representative of less bigoted elements, for example Punjab Unionist Party and military classes with genuine record of public service. If on the other hand Mussulman Premiers walk out with Jinnah it will perhaps be impossible to find means to select suitable Mussulman willing to accept office.

In that event presume existing Executive Council will have to continue but relapse into deadlock will have dangerous possibilities and perhaps political feeling might be (group corrupt) [?contained] by initiating proposals to set up Constituent Assembly or by decision to hold General Elections at an early date.

[1] No. 549.

554

Sir T. Rutherford (Bihar) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 66–7

IMMEDIATE *1 July 1945*

SECRET

No. 43. Your telegram No. 155–S.C.[1] of 30th June. My advice for what it is worth is as follows. I consider it essential before any further move is made to fix the strength and composition of new Council and it might be helpful if members other than Muslims and Caste Hindus could be provisionally selected. Jinnah not unreasonably is afraid of his parity with Hindus being nullified by Congress or Hindu influence over these members and if selection left him with some assurance that they were not all likely to be amenable to such influence he might be more reasonable.

My next suggestion is that you offer to Jinnah the Muslim seats less one and to Congress the Hindu seats less one, while you yourself as arbitrator between two opposing views select one Muslim and one Hindu. If Jinnah and Congress refuse the second proposition then I would strongly recommend that you announce that reconstitution of Council will be proceeded with and pending results of a general election to both Central and Provincial Legislatures which will be held as soon as possible you will temporarily make your own choice ot Muslim members; but if Muslim League gains a substantial majority of Muslim seats in both Central and Provincial Assemblies you will agree to make fresh appointments of Muslim members from amongst Muslim League. This procedure would also put to test Congress claim to make any recommendation for a Muhammadan Member.

[1] No. 549.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET VICEREGAL LODGE, SIMLA, *1 July 1945*

No. 25

I hope I have given you by telegram all the information you need about the Simla Conference. Jenkins is sending you by the bag a copy of the daily confidential note[1] he is keeping on days on which the Conference sits. The question now is whether the Congress and Muslim League will stick to their extreme demands. I think Jinnah is entitled to a majority of the Muslim representation in the new Council—say to 3 seats out of 5—but his claim that the League represents all the Muslims of India is quite unacceptable. Similarly I think the Congress can reasonably ask to have at least one non-Hindu seat. But if, as is sometimes suggested, they claim to include 2 Hindus, 1 Muslim, a Scheduled Caste man and an Indian Christian, they will upset all the other parties and we should probably not get the best men into Council. Some people say that the extreme Congress claim will not be pressed and that Congress are in fact determined to support really good men even from outside their own party. Jinnah's attitude is still uncertain—he has made uncompromising statements to a Press Conference and to individual journalists. But Saadulla, who is dependent on Congress goodwill, does not want a breakdown; Nazimuddin believes that he can only get a stable government in Bengal with Congress co-operation; and Liaquat Ali Khan is anxious to take office. So Jinnah is under heavy pressure and I think he may find it difficult to refuse to send in his list of names. If the lists of names are satisfactory, there is a reasonable hope of making selections which the parties would find it difficult to reject. There is, however, not much point in speculation. We shall know where we stand within the next week or ten days.

2. The Governors generally advise me that the intemperate resolution of the All-India Committee of the Hindu Mahasabha[2] has had little effect and that the Hindus generally will stand behind Gandhi. The Mahasabha is a curious body; many of its rank and file seem to be Congress men, and on big political issues will follow Gandhi rather than Shyama Prasad Mookerjee or Savarkar.

Nehru, who has just arrived in Simla to attend the meeting of the Working Committee which is to prepare the list of Congress names, has been speaking intemperately since his release. He has dealt mainly with the Bengal famine, corruption in the services, and the alleged brutality with which the 1942 disturbances were suppressed. He announced that he was shortly going to visit the eastern districts of the United Provinces where the sufferings of the people

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in 1942 had been particularly bad. Hallett thinks that Congress may intend the victimization of civil officials, particularly the Police, who were concerned in the suppression of the disturbances. Rutherford is also alarmed at the alleged intention of his ex-Premier, Sinha, to demand the punishment of a number of officials who are considered by the Congress to have oppressed the people. I have told both Hallett and Rutherford that I will make it clear at the end of the conference, whatever its result may be, that I do not intend to permit disorder, or attacks on officials who have done their duty and non-officials who have helped us. I am having an interview with Nehru and will point out to him that his recent speeches are not consistent with the willingness of the Congress to accept His Majesty's Government's proposals.

3. I have now had interviews with all my seven Members of Council who condemned the proposals—"Mutineers of the Bounty", Shankar called them in a clever cartoon, which I think I sent you. All seven have in these interviews at least given lip-service to the proposals, and said they supported them. Srivastava who was the quickest to gauge public opinion and to realise that they had made an error, came to see me almost at once to explain away his opposition. Azizul Haque did so not long after and I think was genuine. Sir Jogendra Singh wrote me a charming letter soon after I arrived here, to withdraw his opposition, and also did so in an interview later. Ambedkar has made it quite clear to me that he would like to retain his portfolio of Labour, whether the Conference succeeds or fails. I believe these four to be genuine in their recantations—though for various motives. There remain Sultan Ahmed, Firoz Khan Noon, and Dr. Khare. All three at their interviews have, without prompting from me, said that the proposals were a good move; but I do not believe any of them really think so. And I am told that some Members of Council, amongst whom I think is certainly Firoz Khan Noon and probably Sultan Ahmed, have been talking outside to the effect that I never told them when I went home that any political discussions would take place; and that I told Firoz Khan Noon and Mudaliar in London that no discussions were taking place. I doubt if such obvious lies obtain much credence. Some were also talking, I believe, of a demonstration of their dissatisfaction, I suppose by resignation. I should have more respect for them if they expressed openly to me any grievances they think they have.

If the conference fails, some reconstruction of Council will I think be inevitable, and I may be able to drop some of my unsatisfactory Members. Mudaliar's views, when he returns, will obviously carry much weight with the rest of the present Council, he is the real leader of Indian opinion in the

[1] Copies of these confidential notes are on L/P&J/8/524. See Introduction, p. xxii.

[2] Passed at a meeting at Poona on 23 and 24 June 1945 and severely critical of Lord Wavell's constitutional proposals including his failure to invite the Hindu Mahasabha, rather than Congress, to Simla as representatives of Hindu opinion.

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Council, and I think Sultan Ahmed has been very uneasy trying to deputise for him.

4. I am sending you another telegram about wheat imports. I hope the way will now be clear for the issue of the press announcement. I am sure you will agree that I cannot give "a categorical assurance" that in all circumstances wheat up to 100,000 tons will take priority over military cargo at the Indian ports. While important operations are going on, the entire supply programme may have to be changed at very short notice. I can only say that on the advice given to me and to the best of my belief we can handle 100,000 tons of wheat a month, and that unless anything unforeseen happens, we can work to this programme until the end of the year. I fear this business has given you and your officials a tremendous amount of trouble and the Ministry of War Transport have not been very easy to deal with.[3]

5. I have seen your recent telegram about coal imports. I am glad you have been able to secure us some help, and the further information you need will be sent to you as soon as possible.

[Para. 6, on the proposal that Sir W. Beveridge should be invited to India to advise on social insurance schemes, omitted.]

7. On 27th June I wrote to you a long letter[4] about the rewards to be given to Indian Princes for their war services. This is a difficult and important matter on which you may care to have Corfield's opinion. If so, will you please show the letter to him? He will have to deal with the later stages of the proposals after he takes over from Wylie.

I understand that Wylie leaves on 8th July or shortly afterwards; Griffin, the Political Secretary, will carry on by himself until Corfield arrives, probably early in August.

[Para. 8, on the future of the Study Group chaired by Sir O. Caroe; and para. 9, on a proposed Indian Exhibition in London, omitted.]

10. I am not clear from the reports of the Indian Delegation about the implications of the new Trusteeship chapter in the San Francisco Charter. My External Affairs Department have been worried for some time about this as they feel that India may come within some definition of a dependent country in the chapter which would be inconsistent with her position as a signatory of the Charter. I have told the Department to wait until we receive the full text of the chapter and then to consider what action, if any, we should take. I felt there was not much point in asking your opinion until we know how the chapter was worded.

A telegram went to you a day or two ago[5] from the External Affairs Department asking how the San Francisco proceedings should be ratified by India.

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The special power given by the King to our delegates seemed to contemplate ratification in London, but this would of course not suit us.

[3] In telegram 1075-S of 18 June Lord Wavell had asked Mr Amery for authority to make the announcement. Mr Amery's telegram 14379 of 26 June gave authority provided that Lord Wavell could give a categorical assurance that handling of the wheat imports would receive priority at the Indian ports or, failing that, that a sentence was added to the announcement to the effect that loadings at the rate of 100,000 tons per month would be subject to India's capacity to handle that quantity. In telegram 160-S.C. of 1 July Lord Wavell replied that he could not give such an assurance and that a reference implying India's inability to handle imported wheat would be most undesirable, and asked for agreement to announcement as soon as possible. Mr Amery's telegram 15132 of 5 July agreed that the announcement might be made as requested by Lord Wavell. It was published in India on 7 July. L/E/8/3327.

[4] L/P&S/13/517.

[5] Lord Wavell is referring to tel. 5925 which was in fact dated 2 July 1945. L/E/9/1379.

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Sir M. Hallett (United Provinces) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 67–8

IMMEDIATE *2 July 1945*

TOP SECRET AND PERSONAL

No. G.-424. Your telegram No. 155-S.C.[1] of 30th June.

1. I recognise extreme difficulty of your position but agree fully that Council composed of Congressmen and non-League Muslims would not work. Viewing position in the light of Provincial conditions and reactions on formation of Provincial ministry I would put it much stronger. Position here seems to be very different from that in Punjab with Union Party or in the N.W.F.P. with no really strong Congress sympathy. Here non-League Muslims consist of Congress Muslims such as Kidwai and Ibrahim who have no support from responsible or reasonable Muslims or members of associations affiliated to Congress such as Hasan Madni, fanatical and anti-British, who has, I see, been summoned to Simla by Azad. Bulk of Muslims here would oppose by all means inclusion of non-League Muslims and this attitude was taken by Khaliq Zaman some months ago.[2] It would be regarded as Hindu Government and this might lead to communal trouble which would be certain if Provincial Ministry were formed on these lines. Khaksars whose agitation in 1939 was in defiance of Congress Ministry might again become dangerous.

2. Congress are showing no change of heart, e.g., references to Bengal famine, Nehru's vindictive attacks on loyalists and Government servants,

[1] No. 549. [2] Cf. No. 342, para. 8.

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suggestion that military expenditure should be reduced. If they are offered or placed in controlling position they will make more drastic and impossible demands than before or after taking office. Establishment of such a Council will be considered by Government servants and others as another surrender to Congress and would therefore have effect on war effort.

3. Further point is that if one major party is excluded there will be no chance of reconciliation as a result of close association. I suggested this in paragraph 9 of my note of 3rd October 1944.[3]

4. Working Committees may throw light on position but my present view is that even though blame for failure of negotiations will be placed on you and His Majesty's Government that is lesser evil than formation of Council on the lines suggested in paragraph 4.

[3] No. 33.

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Sir A. Hope (Madras) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 68

MOST IMMEDIATE *2 July 1945*
SECRET

Your telegram No. 155–S.C.[1] June 30th. If Muslim League declines to co-operate, I should advise forming a new Executive Council without them, including Congress, Christians, etc., but with Congress Muslims and Muslims who belong to neither League nor Congress. I fully realise difficulties that would arise and it would probably fail but with your veto it should be possible to keep Congress element within bounds.

I think from psychological point of view and of world opinion it would be better to try to co-ordinate rather than have Congress and the world say "we offered to co-operate but were refused because Government succumbed to Jinnah's blackmail".

Here in Madras Muslim League has little influence and repercussions would be slight, but of course the north is different. None the less whatever the result I would carry on without League if necessary.

[1] No. 549.

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Mr Casey (Bengal) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 68–70

IMMEDIATE *2 July 1945*

TOP SECRET AND PERSONAL

No. 207. Your telegram No. 155–S.C.[1] of June 30th, 1945. I appreciate your very considerable difficulties.

2. Paragraph 4 of your telegram: I entirely agree that if Conference fails through Muslim League intransigence, it would not be workable proposition to form your Executive Council from Congressmen and non-League Muslims. I am inclined to believe however that unless Jinnah is demonstrably unreasonable to point of losing a great deal of Muslim sympathy, it would (from point of view of His Majesty's Government's mediating position and therefore from point of view of a future solution of Indian problem) be more damaging for the offer to fail on account of League [?non-] co-operation. The result would be to have antagonised both Muslims and Congress.

3. Paragraph 5 of your telegram: I find it difficult to suggest any constructive next move in the event of League non-co-operating in new Council unless their attitude were so unreasonable as to lessen their influence over Muslim electorate. Such information as I can get here indicates that people like Khwaja Nazim-ud-din, though very anxious for a settlement, would stand firmly behind Jinnah in resisting any proposal on the part of Congress to nominate a Congress Muslim out of Muslim quota.

A concession to Congress on this point would be likely to rally the Muslims solidly behind Jinnah.

4. If Congress [?Conference] fails it seems to me that *status quo* must be maintained pending next move and that only move we can make which would be creditable in world opinion is to have Central and Provincial elections.

5. It would follow that failure must be occasioned by causes for which a general election can provide some prospect of a remedy.

6. I can see only two relevant questions which general elections can answer, namely (*a*) can Congress secure a sufficient percentage of Muslim seats to justify a claim to nominate a Congress Muslim out of Muslim quota of seats on Executive Council? (*b*) Can League establish its claim to be the sole effective representative of Muslims to the exclusion of both Congress and other political parties?

[1] No. 549.

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7. If we believe that answer to question (*a*) is in the negative then I suggest that we should resist any Congress claim to nominate a Congress Muslim out of Muslim quota, and put the onus of failure on Congress if they insist.

8. With regard to question (*b*), there is clear justification at present for including in Muslim quota a Punjab Muslim who would neither be League nor Congress.

9. I would therefore suggest the advisability of making it clear—(1) that no Congress Muslim would be included in Muslim quota (at present envisaged as five);

(2) that out of this five the League would get four and Punjab one.

Jinnah might find it difficult to reject this as outrageous to Muslim sentiment (as opposed to League doctrine) while Congress might find it difficult to break off with credit on this point, especially if faced with possibility of being proved wrong by a general election.

10. An indication [? variation] of above while maintaining principle stated in paragraph 9 would be for you to raise the Executive Council to 13 (excluding Commander-in-Chief) by nominating one acceptable Caste Hindu who would be neither Congress nor extremely communal, the type, for example, of Maharaja of Burdwan (politically more or less a neutral). This would allow Congress to nominate a Congress Scheduled Caste. I do not know whether Jinnah would take this.

11. Of course if Congress is determined to achieve a Congress majority among Caste Hindu and Muslim members, both above proposals would result in Congress breaking off. I have been trying to think whether there is any way of avoiding this by providing both Congress and League with a retreat from dilemma. I can see no way of doing so except by three modifications of "parity" principle which would allow all three parties (Congress, League and Untouchables) to recede somewhat from their position. This might be done if parity were achieved between Caste Hindus and League Muslims provided non-League Muslims were also given parity with Scheduled Castes and Congress were allowed to have either a pro-Congress Muslim or a pro-Congress Scheduled Caste man but not both.

A possible result might then be—(*a*) Congress—6 (i.e., 5 Caste Hindus and 1 pro-Congress Scheduled Caste or Muslim); (*b*) non-Congress Muslim—6 (i.e., 5 League and 1 Punjabi Muslim); (*c*) Scheduled Caste of Ambedkar's variety—1; (*d*) Sikh—1; (*e*) add 1 chosen by yourself who could be either a neutral Muslim or a neutral Scheduled Caste depending on him for selection made by Congress. This would involve a Council of 15 excluding Commander-in-Chief.

12. I apologise for length of this telegram and you may have already thought of all this but I trust you will not consider it unhelpful.

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Sir H. Lewis (Orissa) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 70–1

IMMEDIATE *2 July 1945*

SECRET AND PERSONAL

No. 38–S. If in circumstances stated in your secret and personal telegram No. 155–S.C.,[1] dated 30th June, Muslim League decline to co-operate in forming new Executive Council, your Conference with political leaders would have failed. Therefore in terms of your own broadcast[2] and of Amery's statement in Parliament[3] our only course so far as I can see will be "to carry on as at present until parties are ready to come together".

2. Since in my belief early termination of deadlock is both a British and an Indian interest, I express this opinion with greatest reluctance. But equally in their own estimation and in ours Congress and Muslim League together constitute the two major political parties with which we have to deal. So far as we are concerned it makes little difference whether they disagree on grounds reasonable or unreasonable or whether in our view responsibility for disagreement lies more on one side than on the other. What matters is whether they agree in which event we can get ahead or whether they disagree in which event both they and we are held up.

3. I have no doubt that your own good offices will be available to both parties to help them to bridge their differences, but unless as seems unlikely they both agree to abide by your decision personal intervention on your part instead of making things better might unfortunately make them worse. For that reason having regard to circumstances we are discussing I see no chance of a solution on these lines which would be neither more nor less than unwarrantably imposed settlement and inconsistent for that reason with past and present declaration of our policy.

4. Also apart from these aspects of general policy, I agree fully with provisional expression of your own opinion that Executive Council largely composed of Congressmen and non-League Muslims would not work. League could not afford to remain passive spectators of arrangement of that kind made against their wishes and without their consent which with our concurrence would have transferred almost complete political power to Congress not only at Centre but in Provinces. We would thus if we were to take that course have precipitated in gravest possible form precisely that communal conflict which it is our purpose to avoid.

[1] No. 549. [2] No. 508. [3] No. 507.

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5. I regret I am not able to reply in more encouraging terms, but I presume there is still just a chance that Congress and League may after all still be able to agree.

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Sir G. Cunningham (North-West Frontier Province) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 71

IMMEDIATE *2 July 1945*
SECRET

No. C.A.–55. Your Excellency's telegram No. 155–S.C.[1] of June 30th. My comments must be mostly from Provincial point of view.

2. My impression is that in this Province at least half educated opinion does not admit right of Jinnah or Muslim League [to] nominate all Muslims to Executive Council and would be satisfied with Muslims (provided they are well-known public figures) nominated by Your Excellency even if they included no Muslim Leaguers.

3. I have tried to assess probable results in this Province if Your Excellency decides to form Executive Council without Muslim League. If Jinnah has power to forbid any leading Muslim Leaguer to accept office we must assume Provincial Muslim Leagues will do intensive propaganda that rights of Muslims have been betrayed to Hindus. My estimate however is that here they could not do much serious harm. Aurangzeb is discredited, and with him for time being the local Muslim League Party.

4. If we were to counter their propaganda by giving immediate and full publicity of Government side of the case and show Muslims have full share of membership and are represented by true Muslim well-wishers I think we could influence opinion. There is also undoubted fact that great majority of sensible people do desire settlement.

5. I am hardly in position to judge how complete Jinnah's discipline over Muslim League is, but I have been told here there are leading men in his party, even Nawabzada Liaqat Ali himself, who might desert him if he insisted on bringing things to impasse at this stage, but conclusion therefore is that from Provincial point of view there is no great (group omitted)[?danger] if Your Excellency challenges Jinnah on this point, and I myself would be in favour of it.

[1] No. 549.

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Sir H. Dow (Sind) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 71–2

IMMEDIATE *2 July 1945*
SECRET

No. 111–S.C. Your telegram No. 155–S.C.[1] of 30th June. In my opinion if Jinnah is intransigent, attempts should be made to form Executive Council without Muslim League. Difficulties of this are recognised, but alternative appears to be carrying on as at present, in which case bitter resentment and hostility both of Congress and Muslim League has to be faced and intensification of communal feeling which would probably manifest itself in sporadic outbreaks of violence.

2. Much of Jinnah's influence depends on feeling that he is going to be successful, and will disappear if you make it clear that he is not going to get away with it. Incidentally, his hold on Sind is very tenuous and I believe my Premier would require little persuasion to break away from League, in which case certainly one and probably two of my other Ministers would join him, and I should have no difficulty in running a non-League coalition ministry in Sind. Jinnah's reference to successes in by-elections does not apply to Sind, where in one recent election Muslim League candidate withdrew to avoid certain defeat and in other election could put up no candidate, while in both elections candidate who had unofficial support of Muslim Leaguers was defeated.

3. Muslim League press is not very influential and Congress press might be influenced to give more than lukewarm support to non-League Muslims. It seems unlikely that after experience of recent years Congress would embark on any extreme communal policy, especially if in Provinces you can secure that governments are really coalition and Muslims are not represented by Congress stooges. In my opinion Governors are entitled to insist on this by terms of their Instruments of Instruction[2] and general failure to do so was partly responsible for debacle of 1939 when all Congress Ministries resigned.

[1] No. 549. [2] *Parl. Papers*, H. of C., paper No. 1, vol. xx, 1936–7, pp. 1031–8.

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Note by Field Marshal Viscount Wavell

Wavell Papers. Notes of Important Interviews, 1944–7, pp. 176–7

2 July 1945

NOTE ON HIS EXCELLENCY'S INTERVIEW WITH PANDIT JAWAHARLAL NEHRU ON 2nd JULY 1945

1. I spoke to Nehru on the new political proposals, generally on the lines of paragraph 6 of P.S.V.'s note,[1] but briefly.

2. We then entered on a long general conversation on India's problems and grievances. Nehru began by referring to the general hostility against Great Britain. I said it seemed to me to be largely confined to the educated class, and that the actual agriculturist and labourer certainly did not show any particular hostility to the British. He said that the hostility of the peasant was directed primarily against the landlord, the money-lender, and others who oppressed him; that he regarded the Government as responsible for this, and that therefore he felt hostile towards it. I said that this would then apply just as much to an Indian Government; and he agreed. He then went into a history of India's needs, for industrial development, for improved agriculture, for adequate social services, and so forth. He described India as suffering from industrial "arrested growth"; and said that there had been a time when India was industrially as far or further advanced than the rest of the world, but that the introduction of machines, and the refusal of machines to India had killed her industries and had caused a drift from the towns back to the land, which was in consequence over-populated. I suggested that the growth of the population had a good deal to do with the over-crowding, and rather questioned whether the drift from the towns back to the land had been a really serious factor. He then spoke of the Russian system, agreed as to the immense cost of life that had been caused by that system, and said that the Russian methods were not really applicable to India. He said that almost the first problem was to reform the system of land tenure, instancing particularly the Permanent Settlement in Bengal.[2] He said it should be done peacefully and without revolution. He said that though he described himself as a Socialist, he did not believe in pure Socialism.

This conversation lasted for about an hour, during which we ranged over a great number of problems and a good deal of history. Nehru was very pleasant, not at all violent, and quite reasonable and sensible.

3. I then thought it necessary to bring him back to the question of the present political proposals. He said that although they fell far short of what India had a right to expect, and were insufficient and vague, Congress would do its best to make a success of them.

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4. Finally, he came back to what I had said at the beginning of the talk, that Law and Order must be maintained and that I could not permit of any victimization of Government officials or Police. This was the only part of the conversation in which Nehru showed any heat. He persisted that he knew of terrible scandals and oppression, conduct which he described as utterly inhuman; and asked how he could be expected to tolerate such. I said that if any instances of injustice or oppression could be brought up and proved, they would certainly be remedied; but that I was not going back into any inquiry about the events of 1942 or vague allegations against officials. I said that if his friends had the proofs of injustice and oppression in their hands, they ought to have brought them up before now and not waited till the release of the Congress supporters. He said that it was quite impossible for them to do so, they would merely have been put in confinement under the D.I.R. I refused to accept this, and said that the fact that they waited until now would certainly give some colour to the idea of political persecution; and that anyway I was quite determined that I would see that Law and Order was maintained, which rested largely on the confidence of the Officials and Police.

5. The interview, which had lasted just over an hour and a half, terminated on this. Nehru was very pleasant throughout the interview and showed little bitterness except on the question of my suggestion that he and his friends were resorting, or would resort, to victimization.

W.

[1] No. 552.

[2] The Permanent Settlement, introduced in Bengal and Bihar in 1793 by Lord Cornwallis, fixed in perpetuity the land revenue payable to Government by the persons recognised as the landowners (mostly big landlords) instead of allowing it to be subject to periodic revision.

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Sir A. Clow (Assam) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 73

IMMEDIATE *3 July 1945*

TOP SECRET

No. V.S.-328. Your Excellency's telegram dated 30th June, No. 155-S.C.[1] If Muslim League will not co-operate on terms proposed I suggest asking Conference to agree that in addition to nominees from Panels 1 Muslim and 1 Caste Hindu be selected by Viceroy from persons who are not (repeat not) members of League or Congress but no necessity for Muslims being taken from

[1] No. 549.

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League. If this was not accepted I would ask Conference to accept result of elections to Central Legislature. If Muslim seats returned specified number of Congress members, Congress claim would be conceded otherwise Jinnah would gain his point. In view of long period since Central or Provincial elections answer to Jinnah on basis of present position in North-West or Bengal has element of weakness and election might vindicate him and in any case would make situation clearer here and abroad. Failing acceptance of these offers Your Excellency could put forward for consideration specified Council so limited that issue could not arise but chance of acceptance would be small. Jinnah, Liaquat Ali, Nehru, Rajagopalachari, Ambedkar, Tara Singh, would be recognised as generally representative and might work harmoniously and be adequate with parliamentary secretaries. If Congress wanted to substitute Muslim for Rajagopalachari Jinnah could not reasonably object. I agree that as [*sic*] a Council excluding League could not work but failing all agreement would not rule out partial replacement of present non-Muslim Councillors by Congress members willing to serve.

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Sir J. Colville (Bombay) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 73–4

IMMEDIATE *3 July 1945*
TOP SECRET

No. 205–C. Your secret and personal telegram No. 155–S.C.[1] dated 30th June. Following are my views from provincial angle:—

2. There are two chief questions: (*a*) could I form an effective Ministry in the Province without League participation? (*b*) would this action, following break at Centre with Jinnah and Muslim League, result in communal trouble?

3. Point (*b*) I have privately consulted Inspector-General of Police and Commissioner of Police, Bombay. Neither regards as serious risk of communal rioting on account of possible restoration here of Ministerial government without League participation, although there would be ill-will. Riots usually arise from unseen and frequently absurd causes and are not result of a process of reasoning on big issues. My Advisers take more serious view of possibility of some communal trouble. I however accept the Police view.

4. Point (*a*) we think it would be possible to get together a Ministry consisting of Congress leaders, a Scheduled Caste representative (sponsored by his own people) and a non-Congress non-League Muslim. The difficulties of such

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a Ministry are of course obvious. The Muslim member would inspire only limited confidence among Muslims; and Congress Ministers, without pressure from Muslim League at the Centre to keep them in order, might not play fairly with him. The establishment of such a Ministry might also be interpreted as another example of government betraying its friends to Congress who tried to sabotage war effort.

5. The difficulties are emphasised by some of my Advisers, particularly Bristow. My own view however is that, assuming a small degree of good faith on the part of Congress a Ministry could be formed which would be more acceptable to minorities than last Congress Ministry. I ought to be able to find a non-Congress non-League Muslim who would inspire more confidence than Nuqie [?Nurie] the former Muslim Minister. As regards argument that we should be handing over power to Congress we must face the fact that the next Ministry here, whenever it is established, is bound to be preponderantly Congress and this is unanimously recognised.

6. On balance I would therefore answer question (*a*) Yes and question (*b*) No.

7. I hesitate to advise as to Centre. You have much fuller information, but I think Jinnah should be faced with the alternatives of coming in or of explaining to his supporters what had happened when the scheme proceeded without him. League Chairman here is reported to be very anxious for scheme to succeed. There is fairly strong opinion here that in such circumstances Jinnah would acquiesce, but if not I think you should still construct government which would command wide support; and the dangers of going back are considerable.

[1] No. 549.

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Sir B. Glancy (Punjab) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 74–5

IMMEDIATE *3 July 1945*

TOP SECRET AND PERSONAL

No. *Nil.* Your Top Secret and Personal telegram No. 155-S.C.,[1] dated 30th June 1945.

Jinnah's claim to nominate all Muslims appears to me in light of League's meagre hold on Muslim-majority-Provinces to be outrageously unreasonable. If he is given three nominations out of, say, five Muslim seats he should account

[1] No. 549.

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himself fortunate indeed. There is widespread belief that he expects no more than this and realises that if he insists on pressing further demands the solidarity of his following will be sorely shaken. Jinnah is evidently nervous: he has approached Unionists through various agents to effect compromise but these advances have been nebulous and unsatisfactory. I agree with you that it would be inadvisable if Jinnah maintains his present attitude to attempt forming Council without League representation. This would place Congress in unduly dominating position. Muslim members apart from Unionist and Congress nominees would probably be of dubious value: every individual Muslim representative would be subjected to continual vilification from League-controlled Press and would be likely to feel insecure. Jinnah would pose as Islamic hero and though after some interval the falseness and untenability of his position might be appreciated and his power for mischief broken, it seems not unlikely that meanwhile the central machine would collapse.

One possibility that has occurred to me is that League's legitimate quota should be temporarily filled from existing Muslim members of Council, but in view of personalities available and their precarious tenure of office, I cannot regard this as satisfactory solution. I consider it best that in event contemplated negotiations should be broken off and that it should be made abundantly plain that their interruption is due to Jinnah's intransigeance.

As desired by Your Excellency I have asked Khizr for his views on this contingency without letting him know that any enquiry has come from you. His views are substantially the same as mine.

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Mr Casey (Bengal) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 75

MOST IMMEDIATE *3 July 1945*

TOP SECRET AND PERSONAL

No. 208. I have just had messages from Khwaja Nazim-ud-Din which may be worth passing to you. He believes that principal bone of contention is selection of non-League Muslim. He believes Jinnah would accept a Punjabi Muslim who is neither a member of Congress nor of League provided the individual were to be jointly agreed upon by himself and Punjab Premier and provided he were called a "Punjabi Muslim" and not a "Punjab Union member". Khwaja Nazim-ud-Din believes that Firoz Khan Noon would be suitable choice.

2. Khwaja Nazim-ud-Din goes on to say that if a Congress Muslim were to be chosen Jinnah would not agree and Conference would break.

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3. Khwaja Nazim-ud-Din says that he has heard (but only a rumour) that Congress may put up names of some individuals who do not belong to Congress. Dr. S. P. Mukherji's name has been so mentioned.

4. I pass this to you for what it is worth. I believe it would embarrass Khwaja Nazim-ud-Din if it were to be known that these views had come from him.

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Note by Field Marshal Viscount Wavell[1]

L/P&S/12/3358: ff 205–6

TOP SECRET *3 July 1945*

NOTE ON PALESTINE

(With reference to E. 3975/15/G, of June 11th, 1945.)[2]

1. Owing to the need for secrecy and the limited time available, I have, since the receipt of the above paper, consulted only the Commander-in-Chief and the Governors of the Punjab and North-West Frontier Province, the two former personally, and the latter by letter. I have spoken to them in general terms only, without disclosing the actual solutions proposed.

2. The view of the Commander-in-Chief was that, although the army of itself would have no particular view on the Palestine problem, if as a result of it agitation or disturbances occurred anywhere in India, they could not fail to have an effect on the army and would certainly hamper recruiting. He also emphasized the thinness of the troops guarding the North-West Frontier and the necessity that might arise to strengthen them, thereby possibly withdrawing troops from participation in the Japanese war.

3. The Governor of the Punjab left me in no doubt that any solution of the Palestine problem which could be interpreted as injurious to the interests of the Arabs and a breach of the pledges given by His Majesty's Government in the White Paper of 1939,[3] would be likely to cause serious unrest in the Punjab, and would affect recruiting for the army. I may add that the present would be a particularly unfortunate time for such agitation, since the Punjab Government is already somewhat anxious over the present political move in India.

4. The Governor of the North-West Frontier Province reports that if the Arabs proclaim that they have been unjustly treated in Palestine there will

[1] This note was sent to the India Office.

[2] This was the reference given to a 'Memorandum on Palestine Policy' prepared by the Colonial Office in consultation with the Foreign Office. L/P&S/12/3358.

[3] Cmd 6019.

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immediately be excitement among the Frontier Muslims. How far the excitement may go and whether it would result in subsequent violence depends upon events both in the Province and in Palestine. Demonstrations of the usual kind in Peshawar and other towns could be handled and would not excite the tribes; but if there were a clash between the demonstrators and the police there might be violent disturbances. If there were any unfortunate incident in Palestine—such as firing on a large Arab crowd, or the destruction of a mosque or other sacred Muslim place, there might be big hostile demonstrations in Peshawar and the other towns, in which trans-border elements might join, though any organised incursion of tribesmen is unlikely. The Governor does not think that recruiting for the army would be affected.

5. I have, in addition to the above opinions, been made aware on many occasions during the last four years, both as Commander-in-Chief and Viceroy, of the dangerous effect on India of action injurious to Arab interests in Palestine. Memorials from the Governments of Bengal[4] and Sind[5] which have recently been forwarded to His Majesty's Government, and a representation by the Punjab Premier[6] about conditions in Syria and the Lebanon, show the interest taken by Indian politicians in Arab grievances, of which Palestine is probably the chief.

6. In my opinion, the agitation would not be confined purely to the Muslims; the Congress would undoubtedly take the opportunity of proving that they represent not only Hindu but Muslim interests, and would be likely to foment and take part in the agitation. In fact, I consider that a highly dangerous situation might arise, similar to that caused by the Khilafat agitation in 1919.

7. Of the alternative solutions proposed, that of partition would, in my judgment, have a disastrous effect on Muslim opinion, and would cause a really widespread and dangerous agitation. It is more difficult to judge of the effects of the solution proposed by the Minister of State,[7] but I think that this might not be unfavourably received, although the inclusion of a French representative in the International body to regulate immigration would certainly be bitterly resented in view of recent happenings in Syria. As to the advisability of allowing any International body to regulate immigration, it must be for H.M.G. to decide.

8. Of the three short-term solutions proposed, the maintenance of the White Paper policy would be the only one which would prevent criticism and agitation in India. The solution of discussing further Jewish immigration with the Arabs would only be accepted if it were intended to give Arab views full weight and not override them arbitrarily. The solution of allowing further Jewish immigration without consulting the Arabs would be interpreted as bad faith on the part of His Majesty's Government, and would be particularly

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unfortunate in view of the present political situation in India when it is essential to re-establish belief in the good faith of the pledges of His Majesty's Government. This course would be only a little less dangerous than partition.

W.

[4] Dated 14 December 1944. L/P&S/12/3356.
[5] Under cover of a letter from Sir H. Dow dated 28 July 1944. *Ibid.* [6] See No. 504, note 3.
[7] The main features of the scheme proposed by the Minister of State Resident in the Middle East were:

(1) The creation of an international body consisting possibly of one representative each for Britain, the U.S., Russia and France with two representatives of the Arabs and two of Jewry. This body would take the final decision on the rate and extent of Jewish immigration into Palestine but the general administration of Palestine would remain a British responsibility until such time as it could be converted into an independent bi-national state.
(2) The giving of greater opportunities to the Arabs and Jews to play their part in the government of Palestine with every encouragement to them to work together.

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Sir A. Clow (Assam) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/138: f 65

No. 176 GOVERNMENT HOUSE, SHILLONG, *4 July 1945*

9. The Simla Conference has naturally had the chief place in the thoughts of the politically-minded. The Hindu Mahasabha's démarche,[1] as I reported earlier, has practically no support here. The tiny handful of educated tribal leaders perhaps feel that the tribal peoples, who outnumber the Sikhs by many millions, should have a voice; but practically all sections here would welcome a settlement on the lines proposed by H.M.G. If it was necessary to secure a settlement, most Muslims in Assam would concede the inclusion of a Congress Muslim in the Council, and most Congressmen would concede the Muslim League's claim to monopolize the Muslim representation. Gandhi and Jinnah are far more uncompromising than the bulk of their followers in Assam and, I imagine, a good many other places. If, however, there were elections I think Jinnah would be vindicated rather than Gandhi. I don't know the situation on the North-Western fringe of India but I believe that elsewhere the Muslim stooges of Congress would be virtually eliminated.

[1] See No. 555, note 2.

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Sir J. Colville (Bombay) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/166: f 110

CONFIDENTIAL GOVERNMENT HOUSE, GANESHKHIND, *5 July 1945*

Report No. 46

2. At the moment the Simla Conference takes the lead in every one's mind, with the British elections second, and the war a poor third. On receiving your telegram of 30th June,[1] I thought it desirable to have a private talk with my three Advisers; also with O'Gorman, the Inspector General of Police, and Butler, the Commissioner, in their case on the specific point of the likelihood of communal trouble if a Government was formed here without the Muslim League. I hesitated to offer any advice as to the Centre, for you are in the best position to judge. I cannot help feeling that it will be a tragedy if Jinnah breaks up the scheme, and I think the balance of view here is that Jinnah is not so sure of himself as he appears to be, and if confronted with the certainty of a Government being formed without the League, would cave in. Of course it is natural that everything here should be coloured with the Congress brush, and Congress is playing a clever game. It is fair to say that my senior Adviser, Bristow, feels strongly that to go ahead without the League would play so heavily into the hands of Congress as to put them in an all-powerful position, and alarm our friends who have supported the war effort. So far as this Province is concerned, however, we have always known that the return of a popular Government would bring Congress into some measure of power, and the only question has been when to face this. If support of the war effort is assured, I would be prepared to face it now, though I realise only too well that it would mean a delicate and difficult task for me, and that I should often long for my trusty Adviser team!

I sent you my report on the Hindu Mahasabha position.[2] I do not think we need be unduly concerned about it. The core of it is here in Poona, and there might be some trouble locally, but with little effect outside. The Mahasabha would of course rejoice if the whole scheme broke down.

[1] No. 549.

[2] Presumably covering the meeting of the Working Committee of the All-India Hindu Mahasabha at Poona on 23 and 24 June. This report has not been traced in Wavell Papers or in I.O.R.

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Sir B. Glancy (Punjab) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 76

IMMEDIATE *6 July 1945*

TOP SECRET AND PERSONAL

No. *Nil.* Continuation my telegram, dated 3rd July 1945.[1] Khizr is now inclined to change his view that if Jinnah remains intransigent it would be inadvisable to fill up Muslim quota from elsewhere. He is disposed to think that as far as Punjab is concerned, though he is not prepared to speak for other Provinces, it would be better to appoint Muslim substitutes for Leaguers at once in hope that League and Pakistan would begin to lose their power forthwith.

Personally I doubt whether such substitutes except perhaps one or two would be strong enough to stand up to storm of criticism and abuse without leaning heavily on Congress support. I still think on the whole it would be better to suspend Conference though not indefinitely, making it clear that Jinnah was to blame and expressing hope that after a suitable interval he would accept reasonable view.

[1] No. 565.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: ff 47–8

IMMEDIATE INDIA OFFICE, *7 July 1945, 1.15 pm*

SECRET

PRIVATE

No. 407. Superintendent Series. I hesitate to trouble you with suggestions at this critical point of your discussions, but it does occur to me, so far as I can judge from Press rumours of trend of party talks, that accommodation might be reached if the Moslem team consisted of four (or five) League Moslems plus one non-Leaguer (though not, of course, a Congress Moslem) and you were to meet this by adding one non-Congress Hindu to four or five persons (Hindu or otherwise) recommended by Congress. Possibly Mudaliar's acknowledged ability and now international reputation, might make him acceptable as the non-Congress Hindu. The obstacle to any such accommodation no doubt is Jinnah's apparent refusal to make any recommendation unless assured that only League Moslems will be selected by you. Might he not sink his intransigence if it were conveyed to him that the nomination of a non-League

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Moslem might be made by himself. Possibly Khizar has already tried this on him and I expect that these suggestions have already presented themselves to your mind and such as have any practical chance of success have been tried out.

One other manœuvre might be worth considering, that is that without prejudging the rights of the prospective Council over patronage which they will no doubt guard jealously, you might throw out the idea that one or more of the appointments outside India, e.g. London, Canberra, Pretoria, Washington, Chungking, and the prospective appointment at Ottawa might be used to meet the claims of prominent personalities of one or other party for whom no room can be found in the Council.

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Maulana Azad to Field Marshal Viscount Wavell

Wavell Papers. Political Series. April 1944–July 1945, Pt II, pp. 77–80

ARMSDELL, SIMLA, *7 July 1945*

Dear Lord Wavell,

On behalf of the Congress I am sending you a list of the names of the members of the proposed Executive Council, except for one name of a Sikh nominee, which I hope to send in a day or two.[1] This list consists of both Congressmen and non-Congressmen and contains names for the entire Executive Council. According to this, the Council will consist of 15 members apart from His Excellency the Viceroy and His Excellency the Commander-in-Chief. We have felt that this is desirable at present in order to give representation to as many minority communities as possible. The Congress attaches special value to minority representation.

2. We have given a list of fifteen members and no more. My Committee have endeavoured to choose persons not for the honour the posts will give but for the burden they will entail. We have considered the whole question of assuming this responsibility from the point of view of its being a step positively in the direction of the independence of India, and we have observed that the British Government also consider it as such a step. For us, as also, I hope, for you, Indian independence should involve the freedom of other nations hitherto under foreign rule and exploitation.

3. Regard being had to the conditions prevailing in the country, an endeavour has been made to make the list as inclusive as possible.

4. We have added three names of the leaders of the All-India Muslim League but, of course, it is understood that the final choice in regard to these

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three names lies with the Muslim League. We have tried in the best way we can to contact the All-India Muslim League as such but have failed.

5. You will note too that the list contains the name of the President of the Hindu Mahasabha. We have added his name without obtaining his previous permission.

6. It has given us particular pleasure to include in our list the name of a woman, a member of a well-known Christian family and a leader of the women's movement in India.

7. The qualification we have sought in each case has been the greatest ability available, the common factor being independence as the immediate objective after the defeat of Japan.

8. One of the names included in the list is that of a present member of the Executive Council. We are strongly of opinion that in order to start anew, the old members of the Executive Council should not be included, but the name given belongs to a new member who is not associated with past policies.

9. My name has been included in the list, but, may I say, that it is only after the greatest hesitation and reluctance that I have agreed to my Committee's direction in this matter. My colleagues felt that I must accept this responsibility. What has finally weighed with me is the fact that the post is one of duty.

10. It has not been possible for us to consult all those whose names have been suggested. In the event of any of those suggested being unable to serve, I trust you will allow us to submit alternative names.

11. The Committee have tried to enter into the spirit of the proposals. They have recognised in you the leader of the Conference in the best sense of the word—a designation carefully chosen by yourself. As you are at liberty to draw attention to any discrepancy you may detect in the list or any difficulty His Majesty's Government may feel, I need hardly assure you that it will be my Committee's best endeavour to accommodate you or His Majesty's Government. It is my earnest wish that you will not put an undue strain on my Committee by imposing any alteration in the list which you as leader will finally prepare before submitting it to the Conference.

12. I have added some brief particulars about the names on the list hereto attached.

Yours sincerely,
A. K. AZAD

[1] The name of Master Tara Singh, which is included on the enclosed list, was sent to Lord Wavell by Maulana Azad on 9 July 1945. Wavell Papers, Political Series, April 1944–July 1945, Pt II, p. 87.

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Enclosure to No. 572

THE LIST

1. Maulana Abul Kalam Azad.
2. Pandit Jawaharlal Nehru.
3. Sardar Vallabhbhai Patel.
4. Dr. Rajendra Prasad.
5. Mr. M. A. Jinnah.
6. Nawabzada Liaquat Ali Khan.
7. Nawab Mohammad Ismail Khan.
8. Mr. Asaf Ali.
9. Dr. Syama Prasad Mukerji.
10. Rajkumari Amrit Kaur.
11. Shri Muniswami Pillay.
12. Shri Radhanath Das.
13. Shri Gaganvehari L. Mehta.
14. Sir Ardeshir Dalal.
15. Master Tara Singh.

A. K. AZAD

SOME PARTICULARS ABOUT THE NAMES ON THE LIST

Bengal	1. Maulana Abul Kalam Azad	President, Indian National Congress.
U.P. ..	2. Pandit Jawaharlal Nehru ..	Ex-President Congress; Member, Congress W.C.
Bombay	3. Sardar Vallabhbhai Patel ..	Ex-President Congress; Member, Congress W.C.
Bihar ..	4. Dr. Rajendra Prasad ..	Ex-President Congress; Member, Congress W.C.
Bombay	5. Mr. M. A. Jinnah	President, All-India Muslim League, M.L.A. (Central).
U.P. ..	6. Nawabzada Liaquat Ali Khan	Secretary, All-India Muslim League, M.L.A. (Central).
Delhi ..	7. Mr. Asaf Ali	M.L.A. (Central) and Member, Congress Working Committee.
U.P. ..	8. Nawab Muhammad Ismail Khan	M.L.A. (U.P.); President, U.P. Muslim League.
Bengal	9. Dr. Syama Prasad Mukerji	President, Hindu Mahasabha Ex-Vice-Chancellor, Calcutta University; Ex-Finance Minister, Bengal, M.L.A. (Bengal).

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Punjab	10. Rajkumari Amrit Kaur ..	Ex-President, All-India Women's Conference.
Madras	11. Shri Muniswami Pillay ..	Ex-Minister of Agriculture, Excise & Forests, Madras; Ex-President Nilgiri District Board; Nominated Member of the Madras Legislative Council for 15 years; elected Member of the Madras Assembly in 1937; Vice-President, All-India Scheduled Classes League.
Bengal	12. Shri Radhanath Dass ..	Advocate, High Court, Calcutta; M.L.A. (Bengal), Councillor, Calcutta Corp.; Vice-President, All-India Scheduled Classes League.
Bombay	13. Shri Gaganvehari L. Mehta	Ex-President Federation of Indian Chambers of Commerce & Industries.
Bombay	14. Sir Ardeshir Dalal	Member for Planning and Development.
Punjab	15. Master Tara Singh	

Bombay ..	4	Delhi	1 each	Sind	Nil.
Bengal ..	3	Madras		Assam	
U.P.	3	Bihar		Orissa	
				C.P.	
				N.W.F.P.	
		Punjab ..	2		

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Mr Jinnah to Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 81–2

CECIL HOTEL, SIMLA, 7 *July 1945*

Dear Lord Wavell,

I placed before my Working Committee the suggestion made by Your Excellency at the last meeting of the Conference[1] and communicated to me by your

[1] No. 547.

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Private Secretary in his letter, dated the 29th June, 1945.[2] The Working Committee after careful consideration desires me to convey to you their views which are:—

1. With regard to your suggestion for submitting a panel of names of the members of the Muslim League for inclusion in the proposed Executive Council, the Working Committee desires to point out that when a similar proposal was made by Your Excellency's predecessor, Lord Linlithgow, in connection with his offer of August, 1940, the Working Committee opposed it and when its objections were brought to the notice of Lord Linlithgow he dropped the proposal and suggested another alternative in his letter, dated the 25th September, 1940, addressed to the President of the All-India Muslim League, an extract from which is given below:—

> "I appreciate, however, the difficulties which you made it clear to me confronted you in connection with the formulation of the panel which I had earlier suggested to you, and in the light of our discussion I am content that the selection of representatives, while resting with the Governor-General, should be based in the case of the Muslim League (and should they so desire of the other parties to be represented in my Council) not on a panel formally submitted, but on confidential discussion between the Leader of the party concerned and myself."

This alternative was acceptable to the Muslim League. The Working Committee is of the opinion that the procedure settled on the previous occasion should be followed in the present case so far as the Muslim League is concerned.

2. Further the Working Committee is emphatically of the opinion that all the Muslim Members of the proposed Executive Council should be chosen from the Muslim League, subject to a confidential discussion between Your Excellency and the President of the Muslim League, before they are finally recommended by you to the Crown for appointment.

The Working Committee feels very strongly on this point and regards it as one of the fundamental principles.

3. Besides the foregoing certain other points were also discussed in the Working Committee particularly the question of providing an effective safeguard against unfair decisions of the majority. While the Committee appreciated the remarks of the Secretary of State in the House of Commons[3] that the power of veto will be exercised by the Viceroy to protect the minority interests it was felt that some other effective safeguard would be necessary in the interest of smooth working of the interim arrangement. It was, however, thought that this question could be settled after the strength and the composition of the Executive was decided upon.

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I have given in the above paragraphs the unanimous opinion of my Working Committee and I am ready and willing, if you so desire, to meet you and explain the reasons and grounds for the decisions arrived at by the Working Committee.

Yours sincerely,
M. A. JINNAH

[2] No. 548. [3] *Parl. Debs.*, 5th ser., H. of C., vol. 411, 14 June 1945, cols. 1839–40.

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Notes by Sir E. Jenkins and Field Marshal Viscount Wavell

Wavell Papers. Notes of Important Interviews, 1944–7, p. 103

NOTE ON HIS EXCELLENCY'S INTERVIEW WITH MR M. A. JINNAH ON 8th JULY 1945

7 July 1945

5.[1] I think you should see Jinnah tomorrow,[2] say at 3-30 p.m., and deal with him on the following lines:—

(1) You should impress upon him the importance and gravity of the decision that he and you will have to take during the next few days. You are faced with incompatible claims by the Congress, the Muslim League and the Scheduled Castes. You clearly cannot meet any of these claims in full. You also have your own responsibilities to His Majesty's Government who have to be satisfied with [? that] any Executive Council you may propose would have a real chance of success. You are most anxious to give a fair deal both to Muslims generally and to the Muslim League. But neither the Muslim League nor the Congress nor the Scheduled Castes can expect to have things all their own way. You might point out that the decisions taken by whatever Government is in power during the next two or three years about demobilization, post-war development, taxation, foreign trade and foreign relations generally will almost certainly have a permanent effect on the future of the country. Those decisions cannot be evaded. They have got to be taken by someone and if the Party Leaders do not co-operate now, they cannot fairly complain later that the results are unsatisfactory to them.

E. M. JENKINS

[1] Only that part of Sir E. Jenkins' Note here reproduced is printed in Wavell Papers.
[2] See last sentence of No. 573.

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8 July

I spoke as you suggested in paragraph 5 (1) and then asked if he was prepared to submit a list of names. For nearly 1½ hours he tried to pin me down to a commitment to accept no Muslims on Council who were not Leaguers, and stressed the difficulties of his position and of the Muslims. I finally had to ask him point blank whether he would submit names or not. He continued to fence but finally said he could not send in names unless I agreed to his condition; but in the latter end left himself a loophole by asking me to write in answer to his letter. He was obviously under great pressure, and said more than once I am at the end of my tether!

W.

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Sir E. Jenkins to Mr Turnbull

Telegram, L/P&J/8/524: f 31

IMPORTANT SIMLA, *8 July 1945, 5.15 pm*
SECRET *Received: 8 July, 8.25 pm*

No. 173–S.C. Superintendent Series. Turnbull from Jenkins. Following are names so far received. *Congress*. Classification is mine. *Party Members*. Azad, Nehru, Patel, Rajendra Prasad, Asaf Ali, Rajkumari Amrit Kaur, and Muniswami Pillay. All are well known to you except Amrit Kaur who is sister of Maharaj Singh and Christian, and Pillay who was Scheduled Caste Minister in Madras Congress Government.

Outsiders. Mukherji, President Mahasabha; Radhanath Das, Scheduled Castes. Bengal; Mehta, business man associated with Walchand; Dalal and Sikh not yet chosen. List purports to give complete personnel of Council and also includes Jinnah, Liaqat, and Nawab Muhammad Ismail Khan as Muslim Leaguers. Total fourteen names plus Sikh name to be added.

2. *Nationalists*. Banerjea, Ram Rattan Gupta and K. C. Neogy. All Central M.L.As. of whom Neogy is best known.[1]

3. *Sikhs*. Tara Singh, Giani Kartar Singh, and Raghbir Singh, ex-Minister, Patiala State.[2]

4. *Scheduled Castes*. Ambedkar; Siva Raj; Mandal, M.L.A., Bengal; and Ram Prasad Tamta of United Provinces. Last two are not repeat not well known.

5. Muslim League and Punjab Premier have not yet submitted lists. Parlakimedi, ex-Premier, Orissa, will probably send one shortly.[3]

[1] The Nationalist Party also suggested the names of Mr Jagjivan Ram and Mr B. C. Mandal (both representing the Scheduled Castes); Raja Sir Maharaj Singh (representing the Indian Christians);

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Mr Hooseinbhoy Lallje (Leader Shia Muslim Community); Sir Abdul Halim Ghuznavi (Central National Mohamedan Association, Calcutta); and Mr Abdul Qaiyum Ansari (Indian Momin Conference). L/P&J/8/524: f 20.

[2] In a note handed to Sir E. Jenkins on 6 July, Master Tara Singh suggested, in addition to the names given here, the name of Sir Maharaj Singh as representing the Indian Christians. Wavell Papers, Political Series, April 1944–July 1945, Pt II, p. 76.

[3] The Maharaja of Parlakimedi suggested the names of Raja Bahadur of Kanika; Mr Lakshmidhara Mahanty; and himself. L/P&J/8/524: f 21.

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Mr Gandhi to Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 83

MANOR VILLE, SIMLA WEST, *8 July 1945*

Dear Friend,

The Congress list for the proposed Executive was sent to you yesterday by the President.[1]

1. In spite of my earnest protest the parity was preserved. I was sorry. This does not mean any change on my part. I am more than ever convinced that the non-Scheduled Hindu members should have been less than the Muslim.

2. You will observe in the list the nomination of the President of the Hindu Mahasabha. I think this was necessary and graceful. If you accept the Congress list, may I suggest your inviting Dr. Shyama Prasad Mukerji before the meeting of the 14th instant?

3. Dr. Rajendra Prasad tells me that the hanging of Shri Mahendra Chowdhury is about to take place on or any day after 12th instant.[2] He is an inmate of Bhagalpur Central Jail, Bihar. I take it that you will order commutation of sentence or stay till the proposed Executive is able to deal with it.

Yours sincerely,

M. K. GANDHI

[1] Enclosure to No. 572.

[2] Shri Mahendra Chowdhury had been sentenced to death by the Patna High Court for participating in a dacoity on 11 May 1943 in which murder was committed. An application for leave to appeal to the Privy Council against this judgement was later dismissed by the Privy Council.

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Field Marshal Viscount Wavell to Mr Amery

Telegram: L/P&J/8/524: f 32

IMMEDIATE SIMLA, *9 July 1945, 12.30 am*
SECRET *Received: 9 July, 1.45 am*

No. 175-S.C. Superintendent Series. Your No. 407[1] of 7th July received and noted. Since my No. 161-S.C.[2] of 1st July was despatched, following have been main developments.

2. I had long interview with Nehru on 2nd July.[3] He talked at length and on the whole sensibly about India's problems and grievances and in quite friendly way. He said that though present political proposals fell far short of what India had a right to expect, Congress would do its best to make a success of them. I spoke to him seriously about law and order. Some of his speeches since his release suggested that he intended victimization of Government servants and others who had dealt with 1942 disturbances. I said I could not permit this. On this subject Nehru showed some heat. But I made it clear to him that I would not tolerate attacks on officials and police whose confidence was essential to maintenance of law and order. I am told that when Nehru reported our talk to Gandhi and stressed his desire for an enquiry into alleged excesses in 1942, Gandhi told him clearly that he must either co-operate fully or not at all. This report is possibly correct.

3. The parties have been busy discussing submission of their lists. Azad is deeply hurt at Jinnah's refusal to treat with him and I have seen an Intelligence report of attempts by Azad to consolidate the minor parties with the Congress against the Muslim League. He is said to have offered Tara Singh full Congress support for the Sikhs in the Executive Council if an agreed Sikh name were sent in through the Congress. This report is confirmed by statement of two Sikhs to my Private Secretary to whom they came for advice.[4] Report goes on to say that Azad's line with the Sikhs was that if the League stood out, the other parties must prevail upon the Viceroy to go ahead and that the Congress intention was to secure the greatest possible control over affairs of Council. He believed that on this basis Jinnah and the League could be broken. The Sikhs have not accepted the Congress offer and Tara Singh's list was sent in separately.

4. Lists have been received from Congress, Sikhs, Scheduled Castes, and Nationalist Assembly Party. The names have been telegraphed to you separately.[5] Congress list contains 15 names and purports to give final composition of Executive Council. Some of the names are acceptable, but list as a whole

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contemplates complete domination of Council by Congress members or nominees, and anxiety that all minorities should share office has led to disregard of quality. In covering letter[6] Azad stressed expectation of independence at end of Japanese war and I shall have to disabuse him of this idea. Sikh list includes Tara Singh, one other prominent Akali Sikh and an ex-Minister of Patiala of whom little is known. Scheduled Castes list includes Ambedkar, Siva Raj and two nonentities. Nationalist list is unimportant.

5. Khizar has so far submitted no list and is awaiting definite move by Muslim League. He has made no effort to reach agreement with League and is said even to have refused to advise Sikhs on their list. He has I think lost a considerable opportunity of influencing final decisions.

6. Muslim League, after long discussion, decided against immediate submission of list and Jinnah wrote to me on 7th July[7] asking for an interview. He said *first*, that he wished to discuss League names confidentially with me; *second*, that claim of League to nominate all Muslims was fundamental, and *third* that some safeguard for Muslims would be needed within Council and that this could best be discussed when composition of Council was known.

7. I had 1½ hours with Jinnah this evening.[8] He spoke on purely party lines and his whole effort was to try and make me accept that Muslim League had absolute right to nominate all Muslims. I refused to accept this condition and he then declined to submit names but left himself loophole by asking me to write in answer to his letter. He was obviously wrought up and under pressure, he is afraid of being made scapegoat for failure of Conference and many of his followers are anxious to accept offer and office. I think in the end he will submit list.

[1] No. 571. [2] No. 551. [3] See No. 562.
[4] A note of Sir E. Jenkins' interview with Sardar Mangal Singh and Sardar Sujan Singh on 7 July 1945 is in Wavell Papers, Notes of Important Interviews, 1944–7, pp. 161–2.
[5] No. 575. [6] No. 572. [7] No. 573. [8] See No. 574.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/E/8/4869: f 203

PRIVATE *9 July 1945*
SECRET

178–S.C. I have been thinking over appointment of U.K. High Commissioner in India. I think H.M.G. should go ahead with this, whether new Executive Council is formed or not. Can you let me know whether this is intended?

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2. If appointment is to make desired impression here it is essential that High Commissioner should represent, and appear in Indian eyes to represent, the interests of H.M.G. as a whole. If he is under Secretary of State for India and corresponds direct with India Office, he will certainly be regarded as your agent, and not repeat not as a genuine representative of H.M.G. Would it be possible to place him under Dominions Office? I know that this would make no difference in constitutional position and that in fact India Office would be very closely concerned, but it would make all the difference in political effect of appointment.

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Field Marshal Viscount Wavell to Mr Jinnah

Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 87–8

VICEREGAL LODGE, SIMLA, *9 July 1945*

Dear Mr. Jinnah,

At the end of our talk yesterday evening[1] you said that I could make your problem easier if I replied in writing to your letter of 7th July.[2] I do not think you expect any comment now on the first and third points in that letter. Our talk was concerned mainly with the second point, "that all the Muslim Members of the proposed Executive Council should be chosen from the Muslim League . . . before they are finally recommended to the Crown for appointment".

2. I fully appreciate your difficulties, but regret that I am unable to give you guarantee you wish, i.e., that all the Muslim Members of the proposed new Council shall necessarily be members of the Muslim League. As I explained to you, I cannot commit myself to this any more than I am committed or shall commit myself to give a similar guarantee to any other party.

I have to attempt to form an Executive Council representative, competent, and generally acceptable. But of course I cannot compel any person or any party to co-operate in my own solution if they do not wish to do so.

It will help me greatly if you will let me have names from the Muslim League and I sincerely hope you will do so. I asked for eight, but will certainly accept five if you do not wish to send in more. You can consider later whether any solution I put forward is acceptable to you.

3. During the next two or three years decisions of great importance will have to be taken by the Government of India, whatever its composition may be. These decisions—on demobilisation, economic development, taxation, trade, and so on, cannot wait, and it is the hope of His Majesty's Government

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that the Executive Council responsible for them will be one in which the major political parties are represented. It will be of course my principal duty to see fair play between all parties not only in the composition of the proposed Council but in its working.

4. I need the active help of your colleagues and yourself, and I am sure you will give it to me. I have no objection to your showing this letter to your colleagues, but it is not intended for publication.

Yours sincerely,
WAVELL

[1] See No. 574. [2] No. 573.

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Mr Jinnah to Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 88

CECIL HOTEL, SIMLA, *9 July 1945*

Dear Lord Wavell,
I thank you for your letter of 9th July[1] which I placed before my Working Committee. The Committee after giving its very careful consideration to the matter desires me to state that it regrets very much to note that Your Excellency is not able to give the assurance that all the Muslim members of the proposed Executive Council will be selected from the Muslim League. In my letter of 7th July[2] I mentioned that the Committee considers this as one of the fundamental principles and in the circumstances, I regret, I am not in a position to send the names on behalf of the Muslim League for inclusion in the proposed Executive Council, as desired by you.

I should like to assure Your Excellency that it has been the earnest desire of the Committee and myself to assist you in every reasonable way, but it is not possible for us to depart from our fundamental principles.

I need not, therefore, at present say anything more with regard to the other points raised.

Yours sincerely,
M. A. JINNAH

[1] No. 579. [2] No. 573.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 32–3

IMMEDIATE SIMLA, *9 July 1945, 11.55 pm*
TOP SECRET *Received: 10 July, 5 am*

No. 182–S.C. Superintendent Series. Jinnah has finally refused to submit list on the ground that assurance that all Muslim members of Council will be selected from League is fundamental. I clearly cannot give way on this point.

2. It is important that the Conference should not break down before every possible effort has been made. I have therefore made my provisional selections for Executive Council in accordance with original plan using my own judgment about Muslim League representatives. My list is in immediately succeeding telegram with comments on the names and is for your approval.

3. On receiving your approval I shall put list first to Jinnah and then to other leaders at series of short interviews so arranged as to avoid disclosure by Jinnah before all leaders have seen list. I will at these interviews consider modifications suggested by leaders but will refer them to you before committing myself. I expect no great difficulty with minor parties and if League and Congress agree settlement will be announced at meeting of Conference on 14th July. You will have to be prepared for simultaneous publication of names at home and in India on Monday 16th.

4. If League or Congress or both reject list I will tell them that I will make statement at Conference. I will then on 14th July inform Conference of breakdown in short statement reviewing course of events and disclosing names put forward by me. I consider disclosure of names important as it must be made quite clear that, with the full authority of His Majesty's Government, I have left nothing undone to bring parties together. I would decline to be drawn as to my further intentions, but say that I will make a broadcast statement within a few days.

5. My broadcast statement would review very simply the proceedings of the Conference, and without blaming any party give the reasons for the breakdown. I would again give the list of names which the League or Congress or both had declined to accept. I would not repeat not announce any further programme but would say that I must decide within a comparatively short time what action to take to meet the situation.

6. The situation would undoubtedly be difficult and our decision would in my opinion have to be taken within, say, one month of the end of the Conference. I could not carry on much longer than that without saying something

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definite to my present colleagues. The three possibilities in Council are, *first*, retention of all the present members if they are willing to continue; *second*, reconstruction on an efficiency basis with a smaller team; and *third*, reconstruction on a political basis with non-League Muslim element. Within a month I shall be aware of political reactions and shall be able to consult Governors. Provisionally I think *second* might be the wisest course. Apart from possible changes in Council, I shall have to consider elections to Central Legislature, and instructions to Governors in Section 93 Provinces both about formation of Ministries and about provincial elections. On these matters too we must have time to watch reactions and consult Governors before deciding on policy.

7. I hope you will be able to approve these recommendations. I realise that disclosure of my provisional list if it is unacceptable to the parties is unorthodox, but it will be disclosed unofficially and perhaps inaccurately after leaders have seen it, and general reception of His Majesty's Government's proposals was so good that I think we should make leaders stand up[1] to publicity. We have very nearly succeeded and may still succeed and should take full credit for our attempt.

8. If you could possibly let me have reply by 11th evening I shall be most grateful. I have difficult discussions with leaders between receipt of your reply and 14th and want time to refer to you again if necessary.

[1] 'stand up' deciphered as 'acquainted up'.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 33–4

IMMEDIATE SIMLA, *9 July 1945, 11.50 pm*
Received: 10 July, 5.20 am

No. 183–S.C. Superintendent Series. My immediately preceding telegram. Following are my provisional selections for Executive Council.

2. *First choices. Caste Hindus* five repeat five. Nehru, Patel, Rajendra Prasad, Aney, Sir B. N. Rau. All are well known. Last two are not repeat not Congress members and Aney is orthodox Hindu. Rau's inclusion is important. He is authority on Constitutional Law and on friendly terms with Jinnah. He has just resigned from post of Prime Minister Kashmir. *Muslims* five repeat five. Liaqat Ali Khan, Khaliquzzaman, Essak Sait, Sir Nazimuddin, Sir Muhammad Nawaz Khan. First four are Muslim League members. Liaqat Ali Khan is well known. Khaliquzzaman is prominent in U.P. and reputed to be ablest League

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member after Jinnah, who is said to be unwilling to take office himself. Essak Sait is Member Central Assembly with fair record. Nazimuddin is Bengal ex-Premier and I have not yet had reply to my query[1] from Casey whether he can be spared from Bengal. Inclusion of honest Bengal Muslim is important; Muhammad Nawaz Khan is Khizar's first choice in list submitted today.[2] He is lukewarm Unionist and big landlord in Attock district and probably not disliked[3] by League. He has been regular officer in Army. *Sikhs* one repeat one. Tara Singh. Will be of little use in Council but is the acknowledged political leader of Sikhs. *Scheduled Castes* two repeat two. Ambedkar and Muniswami Pillai. Pillai is amiable non-entity[4] who was Minister in Congress Government in Madras. He is probably best choice if non-Hindu Congressman is to be included. *Indian Christian* one repeat one. Matthai, formerly Director General Commercial Intelligence and Statistics, now employed by Tatas, and a good economist. First choices give Council of sixteen including Commander-in-Chief and Viceroy. Party strengths, Congress four, League four, others six. Communal strengths as above. Provincial representation Madras and South India four, U.P. three, Bombay and Punjab two each, Bengal, Bihar, Central Provinces one each.

3. *Second choices. Caste Hindus.* Sir V. T. Krishnamachari, who is well known, K. C. Neogy, a Nationalist Member of Central Assembly said to be quite good, and Kher and Pant Congress ex-Premiers Bombay and U.P. *Muslims.* Nawab Muhammad Ismail prominent U.P. member of Muslim League; and Khizar's remaining three choices Ghias-ud-din who did U.S.A. lecture tour last year, Sir Mohammed Jamal Khan, Punjab Minister, and Khan Bahadur Shaikh Faiz Muhammad Khan a Parliamentary Secretary in Punjab. *Others.* Dalal who was included in Congress list.

4. List will clearly not satisfy Congress, League and Scheduled Castes entirely. But it gives a fairly competent team. I cannot be definite yet about distribution of portfolios. Provisionally I would try to allot Finance to Matthai, Home to Nazimuddin, War Transport to Liaqat, Planning and Development to Nehru, Commerce to Patel, Supply to Khaliquzzaman, External Affairs to Aney, Health to Rajendra Prasad, Labour to Ambedkar, Law to Rau, Defence (including Posts and Air) to Tara Singh, Education to Pillai, Agriculture and Food to Muhammad Nawaz Khan, and Information and Broadcasting to Sait. But I should have to consider the wishes of the new Members. For instance I understand that Nehru wants External Affairs.

5. In discussion with Azad I shall make it clear that H.M.G's proposals must be accepted without mental reservations about war effort and independence, and that inclusion of Patel is conditional on his real co-operation. He has made some intemperate speeches since his release, and I propose to accept him largely because he would be a nuisance if omitted. I think Nehru will co-operate.

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6. There is no repeat no prospect of Mudaliar being accepted by parties especially Congress, and I think Muslims would be happier with Dalal excluded. I may later have to add further second choices but will secure your approval to any change. I have of course no guarantee[5] that my own nominees would accept office if invited to do so.

[1] Sent in tel. 180-S.C. of 9 July 1945. Wavell Papers, Political Series, April 1944–July 1945, Pt II, pp. 90–1.
[2] For a note of Lord Wavell's interview with Malik Khizar Hyat Khan on 9 July 1944 see Wavell Papers, Notes of Important Interviews, 1944–7, pp. 137–8.
[3] 'disliked' deciphered as 'decreed'. [4] 'amiable non-entity' deciphered as 'available (?leader)'.
[5] 'no guarantee' deciphered as 'nugatory grumble'.

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Field Marshal Viscount Wavell to the Earl of Scarbrough

L/PO/10/22

PRIVATE AND SECRET VICEREGAL LODGE, SIMLA, *9 July 1945*
No. 26

Many thanks for your interesting letter of 27th June.[1] It seems quite useless to speculate on election results before July 26th. My own bet would be a reasonable working majority for the present Government. As you say, India does not seem to have been an issue at all, except at Sparkbrook. I have just seen, however, a very mischievous pamphlet on India produced originally in 1943, but apparently re-issued by the Commonwealth Party for election purposes. It is a pity that the British people are supplied with such rubbish.

2. The results of the Simla Conference are still quite uncertain. I have just sent you some more telegrams after a pause of rather over a week. I can add little to what I have already told you. I believe the great majority of educated Indians want the proposals to be accepted, but party tradition, ill-feeling within and between the parties, and the long habit of non-co-operation make the party settlement very difficult indeed. There are some signs, which I have reported, that in spite of what Azad said at the conference, the Congress leaders want to come in with certain mental reservations. Their list was disappointing—it displayed a desire to dominate the Executive Council and a tendency to put forward stooges from the smaller minorities out of all proportion to their political capacity and importance. The first essential is that the people selected should be capable of contributing something substantial to the administration—either in the Legislature or in their departmental work. Azad

[1] No. 543.

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has also been trying to consolidate the smaller parties with the Congress against the Muslim League, an unwise move at the present time. He feels bitterly the contempt with which Jinnah and many other non-Congress Muslims treat him—he is said to receive a salary from the Congress and Jinnah will have nothing to do with him.

The Muslim League attitude shows little change. I had one and a half hours with Jinnah yesterday evening,[2] during practically the whole of which he tried to persuade me to accept that all Muslims in the new Council must be his nominees. This of course I could not do. Jinnah was distinctly depressed and rattled, he is obviously afraid that he may be made the scapegoat for the failure of the Conference if he refuses to co-operate; and is yet unwilling to give up his claim that no one but himself represents the Muslims. He said to me on leaving: "I am at the end of my tether". I have written to him this morning[3] and again asked him to submit his names. I hope he will do so. Khizar is also hanging on the wind with his names, apparently waiting to see what the League does. Altogether the outlook is not very favourable at the moment.

3. In the country generally there is a good deal of apprehension about the possible return of the Congress to power. It is natural that the Civil Services should be upset by any major political move and we must expect some uneasiness until the future is clear. Rutherford has asked me what he should do with his Advisers. They do not wish to serve as Secretaries under a Ministry, especially a Congress Ministry, and if they cannot be fitted into senior appointments, e.g., in the Board of Revenue, they would prefer to retire. I have written to the Governors of other Section 93 Provinces asking whether they are in the same difficulty. Several of the Advisers are due to retire under the age rule this year or next, but I might be able to fit some of them into Central appointments. It is of course undesirable that senior civil officials employed in the Provinces should retire in large numbers as soon as Ministries reappear.

4. I am most grateful for Amery's efforts about the import of wheat. We were authorised a few days ago to make our announcement[4] and I hope this will have a good effect. I have passed on paragraph 6 of your letter to the Commander-in-Chief.

[Para. 5, on complaints about the allotment of priority air passages; para. 6, on the successful visit of Indian industrialists to the U.K.; para. 7, on the Bhakra Dam; and para. 8, on Colonel Himatsinhji, omitted.]

9. I expect we shall hear more about commercial discrimination when Dalal returns, and if leading politicians come into the Executive Council, we shall hear a great deal more about it. The feeling on the subject is very strong and much of it, in my opinion, is reasonable. But Dalal's attempts to influence

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His Majesty's Government were premature and I doubt if he realised this, though I warned him, until it was too late for him to take a different line. Once Central legislation has been introduced for the control of certain key industries, and the best method of developing those industries has been decided, the Government of India will know far more clearly what changes, if any, in the law are really needed and will be able to make out a convincing case.

10. I have asked Glancy to inform Khizar that his letter[5] about Syria and the Lebanon has been passed on to the Foreign Office. It is difficult for people who do not know India to realise what intense feeling is caused by any suggestion of injustice to Muslims abroad, especially to Arabs.

[Para. 11, on the future of Indian air services, omitted.]

12. I mentioned in paragraph 10 of my last letter[6] that we were not clear about the implications of the new Trusteeship chapter in the San Francisco Charter. I have since seen the full text of the Charter as published in *The Times* and it does not seem that the chapter will embarrass India in any way.

13. Amery is, I think, aware that the Maharaja of Nepal has finally decided to retire. He has talked of retiring for some years, but this time he really means to do so and will settle in a country house in a remote part of Nepal and cease to concern himself with public or even with family affairs. He wrote to Auchinleck a few days ago asking for the return of the Nepalese Contingent as he wishes to see his soldiers back in their homes before he retires. He sent Auchinleck gifts of Rs. 50,000 and Rs. 25,000 for Gurkha and Indian prisoners of war, and in a more recent letter to me he has made a further gift of Rs. 50,000 to be used for the benefit of British prisoners of war. I have asked my External Affairs Department to consider what should be done to mark the Maharaja's retirement. Possibly an autograph letter from the King would be suitable. The Maharaja is a strong character who has helped us greatly during the war and I am sorry that he is going in September. His successor is rather an unknown quantity at present.

[Para. 14, on the question of relieving conditions of the civil population in the Japanese occupied Andamans; para. 15, on smuggling in Las Bela; and para. 16, on a paper on India's political interests in the Far East, omitted.]

17. Leo Amery must have had a very trying time at Sparkbrook. I hope his efforts have been successful and that he is now taking some rest.

I dislike Simla, and can get little exercise, but I must stay here till the end of the Conference.

[2] See No. 574. [3] No. 579. [4] See No. 555, note 3. [5] See No. 504, note 3.
[6] No. 555.

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Field Marshal Viscount Wavell to all Provincial Governors

Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 92

IMPORTANT *10 July 1945*

TOP SECRET AND PERSONAL

No. 189–S.C. Jinnah has finally refused to submit list of names on ground that assurance that no Muslim who is not a member of Muslim League will be included in Council is fundamental. I cannot give this assurance. I have therefore, without Jinnah's assistance, made provisional selections for Council including four Muslim League members and one non-League Muslim from Punjab and telegraphed them to Secretary of State for His Majesty's Government's approval. If selections are approved I will discuss them with Jinnah and other leaders. But chances of settlement are small and Conference is likely to break down on 14th July. If so I shall not announce any further programme but shall probably make broadcast statement on 17th or 18th reviewing proceedings of Conference. I shall then consult Governors in detail about future policy both at the Centre and in Provinces.

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Sir E. Jenkins to Mr Jinnah

Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 91

VICEREGAL LODGE, SIMLA, *10 July 1945*

Dear Mr. Jinnah,

His Excellency asks me to thank you for your letter of 9th July.[1] He will have to take two or three days to consider the position and will write to you when he has decided what to do.

Yours sincerely,

E. M. JENKINS

[1] No. 580.

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Cabinet C.M.(45) 13th Conclusions, Minute 9

R/30/1/5: ff 11–14

Those present at this Meeting held at 10 Downing Street, S.W.1, on 10 July 1945 at 3 pm were: Mr Anthony Eden (in the Chair), Mr Oliver Lyttelton, Mr R. A. Butler, Mr Amery, Colonel Oliver Stanley, Sir James Grigg, Mr R. S. Hudson

Also present during discussion of item 9 were: Viscount Simon, Lord Cherwell, Sir Alexander Cadogan

INDIA

Constitutional Position

(Previous Reference: C.M.(45) 6th Conclusions, Minute 3)[1]

The Cabinet had before them telegrams from the Viceroy to the Secretary of State for India (Nos. 182–S.C.[2] and 183–S.C.[3] of the 9th July) giving his appreciation of the stage which had been reached in his discussions with political leaders in India. Mr. Jinnah had refused to submit a list of possible members for the Executive Council in the absence of an assurance, which he regarded as of fundamental importance and which the Viceroy was not prepared to give, that all Muslim members of Council would be selected from the League. It was, on the other hand, important that the Conference should not break down before every possible effort has been made to secure agreement. The Viceroy had, therefore, himself made provisional selections for an Executive Council in accordance with the original plan, using his own judgment about Muslim League representation. He asked approval for putting these proposals first to Mr. Jinnah, and then to other leaders, at a series of short interviews, so arranged as to avoid disclosure by Mr. Jinnah of the names before the list had been seen by all the leaders. The Viceroy would, at these interviews, consider any modifications that might be suggested by the leaders, and would refer them to the Secretary of State before committing himself. If the League and Congress agreed, the settlement would be announced at a meeting of the Conference on the 14th July. If either, or both, rejected his list he would tell them that he would make a statement at the Conference. In the statement he proposed to inform the Conference of the breakdown, reviewing the course of events, and disclosing the names he had put forward but declining to be drawn as to his further intentions and saying that he would make a broadcast statement within a few days.

THE SECRETARY OF STATE FOR INDIA said that the immediate point, and the only one on which the instructions of the Cabinet were required, was

[1] No. 492. [2] No. 581. [3] No. 582.

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whether the Viceroy should be allowed to put his list, as he proposed, to Mr. Jinnah and the other leaders. The various subsidiary questions which Lord Wavell had raised as to the line to be taken if the negotiations broke down could most conveniently be considered by the India Committee if and when the occasion arose. He himself was strongly in favour of the course recommended by the Viceroy, which he thought consistent with the view previously taken by the Cabinet.

In discussion the following points were raised:—

(*a*) THE LORD CHANCELLOR suggested that the Viceroy's latest proposal was not, in fact, in accordance with the original plan. It had been the essence of that plan that the Viceroy should invite the principal political parties to let him have lists of possible names from which a Council could be formed, so that the names put forward would be approved by the communities from which they came. Now, however, one of the two principal parties had refused to put forward any list at all; but the Viceroy, despite that, proposed to go ahead with a list of his own.

(*b*) THE SECRETARY OF STATE FOR WAR thought that a fundamental issue arose on the question whether we could look for the co-operation of the Muslim League. It was essential to avoid any new Council starting off with the Muslim League in a free position and hostile. We risked losing our friends without getting any security that the resultant arrangements would in fact be workable.

(*c*) THE SECRETARY OF STATE FOR FOREIGN AFFAIRS asked whether it would meet the case if the Viceroy were in the first instance to put to Mr. Jinnah privately a list of the Muslims which he had it in mind to recommend, and invite Mr. Jinnah either to accept this list or to put it forward as his own.

(*d*) Would it be possible, if the Viceroy were to act as in (*c*), to decline to allow him to make a corresponding communication to the Congress, to whose list he proposed himself to make certain additions?

It was pointed out that Congress had submitted a list of names, and appeared to be ready to co-operate within the terms of the Viceroy's offer. The first step must be to ascertain whether or not we could secure the support of, and a list from, the Muslim League. We should avoid a situation in which the Muslim League could be held up as the one obstacle to progress. Would it not in these circumstances be better to refrain from consultation with the Congress until we knew where we stood with the Muslim League?

(*e*) Some doubts were expressed about the Viceroy's proposals for the distribution of portfolios. THE SECRETARY OF STATE FOR WAR, in particular, felt that His Majesty's Government must remain entirely uncommitted

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as regards the assignment of portfolios pending further examination of the Viceroy's list.

(*f*) It was suggested that the Viceroy had done very well so far, and that there was much to be said, in the circumstances now before the Cabinet, for accepting honourable failure if that proved inevitable, and in that event concentrating on the second course recommended by Lord Wavell in paragraph 6 of his telegram 182–S.C., viz., reconstruction of an "efficiency" Council on a smaller basis.

Summing up the discussion, THE FOREIGN SECRETARY said that it was the general sense of the Cabinet that the Viceroy should, in the first instance, communicate to Mr. Jinnah privately the Muslim names which he had it in mind to put forward for appointment to the Council and endeavour to persuade him to put these names forward, or at least accept them, as his list. If Mr. Jinnah agreed, the Viceroy could immediately inform Congress of the changes which he wished to make in their list. If, on the other hand, Mr. Jinnah did not accept, the Viceroy should report to the Cabinet before taking any further action.

The Cabinet—

Invited the Secretary of State for India to telegraph to the Viceroy in the terms of the draft set out in the Annex to these minutes.

Annex to No. 586

DRAFT TELEGRAM FROM SECRETARY OF STATE FOR INDIA TO VICEROY

[*There follows the text of No. 587.*]

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: f 32

MOST IMMEDIATE INDIA OFFICE, *10 July 1945, 8.20 pm*

15504. Superintendent Series. Your 182–S.C.[1] and 183–S.C.[2] The Cabinet feels some difficulty in your latest scheme because it was the essence of the plan that you should have before you lists of names proposed by Congress and Muslim League respectively. As things turn out you have no list from Muslim League. Cabinet suggest therefore that you should see Jinnah and tell him the

[1] No. 581. [2] No. 582.

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Muslim names which you would favour and try to persuade Jinnah to agree to put forward names. If Jinnah agrees to put forward or accept your suggestions as his list, we agree that you should at once proceed to show Congress your alterations in their list.

If Jinnah does not agree, Cabinet would like you to report back before taking any further action. The Cabinet admire the skill with which you have handled the situation.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/10/18: ff 188–9

PRIVATE INDIA OFFICE, *10 July 1945*

408. Superintendent Series. My telegram No. 15504 of 10th July. Cabinet rather pernickety on point that Jinnah, if you can make him abandon his present attitude and agree to your list of Moslem names, should accept them as his nominations or at least as League ones. I hope you can get round this. I think you might, if you wish to, let him know rest of list and that it does not contain a Congress Muslim. You may however feel that time does not allow of making further reference here if Jinnah is obdurate and if so I would advise you to go ahead giving your reasons afterwards. They are afraid of the whole onus of failure being thrown on Muslims, but that is Jinnah's funeral and you will no doubt rub the point into him as strongly as you can. Question of approving names was not considered by Cabinet apart from violent denunciation of Patel and Matthai by Grigg, but implication of fourth sentence of Cabinet telegram is that you can take names as approved.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 34–5

MOST IMMEDIATE SIMLA, *11 July 1945, 10.50 pm*
TOP SECRET *Received: 11 July, 9.45 pm*

No. 191–S.C. Superintendent Series. Your No. 15504[1] of 10th July. I saw Jinnah this afternoon and explained awkward position in which he had placed me by refusing to submit list. I had done my best to make provisional selections for Executive Council including five Muslims of whom four were members

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of Muslim League and one a non-League Muslim from the Punjab. I gave him communal and party composition of Council based on my selections and then disclosed the names of the four Muslim League Members and of Muhammad Nawaz Khan. I asked him if he would be prepared to co-operate on this basis. If so, I would be glad to discuss other Muslim League names with him if he preferred them to mine. I would also be ready to show him my whole list, though I had not yet discussed it with Congress and other leaders, who might have modifications to suggest. I said I should be delighted if he would wish to serve himself on the Council.

2. Jinnah said at once that it was impossible for him to co-operate unless (*a*) all Muslim members were drawn from the Muslim League, and (*b*) Governor-General's veto were reinforced by special safeguard, e.g., that no decision objected to by Muslims should be taken in Council except by clear two-thirds majority or something of that kind. These conditions were fundamental and he could do no more unless I accepted them.

3. For reasons known to you I cannot accept first condition. Muslim League does not repeat not represent all Muslims in India and considerable section of Muslims not only in Punjab but elsewhere would be outraged by admission that it does. I went as far as I could to meet Jinnah even at risk of alienating Congress by excluding Nationalist Muslims who are particularly disliked by League.

4. Second condition was formally stated for first time but in very vague terms in Jinnah's letter to me of 7th July, see paragraph 6 of my 175-S.C.[2] of 8th July. Even at his talk with me Jinnah was far from definite, but I am clear that it would be impossible to manage Executive Council under present Constitution subject to what would amount to right of communal veto, however this might be expressed.

5. I therefore told Jinnah I could not accept his conditions and that I would explain position to the Conference on 14th July. Jinnah was civil and said that he and his Working Committee appreciated the sincerity of my efforts and realised that if they took office they could do much to improve the economic condition of Muslims of India. At the same time unless their fundamental claims were met, they could not co-operate. He then took his leave.

6. My talk with Jinnah ended earlier than I expected and I did not repeat not show him my complete list. My main object now must be to close proceedings with minimum of communal friction. As Jinnah has not seen complete list I shall not repeat not show it to other leaders but simply tell them its communal and party composition and say that League felt unable to accept them.

[1] No. 587. [2] No. 577; see also No. 573, para. 3.

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I shall take same line at Conference and make short press statement instead of broadcast. I shall not express any opinion on future possibilities but say I must take time to consider situation. When my No. 182–S.C.[3] of 9th July was drafted I assumed all leaders would have seen list, which would therefore be public property, and advantages of official disclosure outweighed possibility of deterioration of communal feeling. But this will not be so now. I hope you will see that my provisional list is kept entirely secret at your end.

7. I will of course report again on matters mentioned in paragraph 6 of my No. 182–S.C. after considering political reactions to breakdown and consulting Governors. I shall probably call them to Delhi for conference.

8. I had arranged to see Gandhi after Jinnah, since if Jinnah agreed to co-operate I thought it important to try at once to enlist Gandhi's influence for acceptance by Congress; and if Jinnah did not agree it was only fair to let Congress know the position. I explained matters to Gandhi and asked him to use his influence to reduce communal recrimination over failure. I said I must take time to consider situation but that whatever happened I had two essential responsibilities which I should carry on at all costs—the prosecution of the war against Japan and the maintenance of law and order. He said that of course I had to do so. I did not disclose to him composition of Council or any names. He was friendly and took matter very calmly, merely saying that he thought His Majesty's Government would have to decide sooner or later to come down on the side of Congress or the League, or of Hindu or Moslem, since they could not resolve their differences by themselves.

9. I am seeing Khizar and Azad tomorrow.

10. I shall be grateful for approval to course of action proposed in paragraphs 6 and 7 above by morning of Friday 13th at latest. I am sorry that I have failed to put across proposals on which Cabinet spent so much time and which they generously allowed me to put forward in spite of some misgivings. I have done my best, we have been near success, and I think His Majesty's Government have for the moment at any rate gained rather than lost ground.[4]

[3] No. 581.

[4] Notes of Lord Wavell's interviews with Mr Jinnah and Mr Gandhi referred to in this telegram are in Wavell Papers, Notes of Important Interviews, 1943–7, pp. 104, 73–4.

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Sir B. Glancy (Punjab) to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 97

IMMEDIATE *11 July 1945*
TOP SECRET

No. *Nil.* Your top secret and personal telegram No. 189–S.C.[1] of 10th July. I am not entirely clear whether present proposal means that there is to be no Muslim nominee from Congress and if so whether there is reason to believe that Congress will be prepared to accept this arrangement. But I trust impression will not be allowed to arise that the sole organization responsible for Jinnah failing to get his way is the Unionist Party. If this were to happen, position of Khizr would become more difficult than ever.

Non-League Muslim from Punjab, if his name were given out, would also become target for League attack. If Jinnah continues to adhere to his "fundamental" demand, is it necessary to divulge or to discuss with him and other leaders the names of those selected? For purposes of discussion on 14th and subsequent broadcast perhaps the point could be met by stressing that Jinnah, in spite of being assured of majority of Leaguers among Muslim representatives, still remained intransigent.[2]

[1] No. 584. [2] No other replies to No. 584 are printed in Wavell Papers.

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Field Marshal Viscount Wavell to all Provincial Governors

Telegram, Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 97–8

IMMEDIATE *11 July 1945*
TOP SECRET AND PERSONAL

No. 192–S.C. My No. 189–S.C.[1] of 10th July. This afternoon Jinnah finally refused to co-operate at all unless (*a*) all Muslim Members were taken from League, and (*b*) Governor-General's power of veto were reinforced by provision that any measure to which Muslims objected could be carried only by clear two-thirds majority of Council or something of that kind. I told Jinnah I could not accept either of these conditions. He replied that they were fundamental and that unless they were accepted Muslim League could not come in.

[1] No. 584.

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2. The Conference has therefore failed. I explained position to Gandhi this afternoon and am seeing Azad and Khizr tomorrow. At Conference on 14th I shall give brief review of proceedings and state in general terms the reasons for the failure. I shall not (repeat not) broadcast but shall issue short press statement. I have not disclosed my provisional selections except Muslim names to Jinnah and shall not disclose any of the names to others or to Conference.

3. Situation arising from failure of Conference will require careful consideration after we have had time to assess political reactions. I should like to see all Governors at New Delhi on 1st and 2nd August as I think we can settle policy better by discussion than by correspondence. Main subjects for discussion will be:—

(1) Future of Central Government;
(2) Timing of Central elections;
(3) Attitude to possible demands for revival of Ministries in Section 93 Provinces;
(4) Timing of Provincial elections; and
(5) Attitude to almost certain pressure for release of political prisoners.

4. Please let me know whether you could arrive Delhi by evening 31st for discussions on 1st and 2nd. I will try to arrange air transport if you wish.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *11 July 1945*
Received: 16 July

In the intervals of the sordid business of electioneering I have followed with admiration your handling of the Simla Conference. It was a great thing to have got them to realise the necessity of accepting the principles laid down, so far as the relations between the Indianised Executive and yourself and His Majesty's Government are concerned. I can only hope and pray that you may now be able to square Jinnah as regards the one non-League Muslim seat. I imagine his greatest fear to be that you might accept a Congress Muslim. As it is, rejection of your list solely on account of the presence of a Punjabi Unionist would surely put him in a position of grave discredit with much of Muslim public opinion as well as with the rest of the world.

2. Meanwhile, we had the usual tiresome Cabinet yesterday.[1] Winston is away and Anthony was in the Chair and not unhelpful; but in the absence of Anderson the field was rather left to Simon, Grigg and Butler, all of whom

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frankly want the proposals to break down, and are not without sympathisers in the rest of the Cabinet. I could not prevent a telegram[2] being sent which made much of the point that Jinnah had not nominated, in accordance with the declaration, and that you should secure at any rate his acceptance of your list as equivalent to a nomination. They were also rather tiresome in trying to insist that you should report to them about Jinnah before you saw any of the others. I pointed out the urgency as regards time and in the end they agreed that you should only refer back if Jinnah remains obdurate. Even in that case I hope, as I suggested in my private telegram,[3] you can find reasons for disregarding their request. Generally speaking, my advice on these matters of tactical handling would be when in doubt to act on your own, without consulting me, at any rate in an official telegram, rather than incur the vexation and delay of having your detailed negotiations interrupted by the inconsequent and not too intelligent intervention of the Cabinet.

3. I think the Cabinet wished you only to show your Muslim list to Jinnah and not inform him as to the composition of your Executive as a whole, but I was able to steer the discussion away from this and avoid any conclusion which might have fettered you in this respect. Similarly, I was able to steer things away from a discussion of personalities, though I couldn't help Grigg, in a passionate outburst, denouncing Matthai as both venal and incompetent, and Patel as our worst enemy, and, more generally, that I was only concerned in selling up four hundred million Indians to a handful of greedy Hindu industrialists. P. J. certainly has ability of a kind; but he ought never to have been promoted from the Civil Service into the political field, in which he is completely without judgment or balance.

4. The concluding stages of the struggle to secure wheat imports have been sufficiently difficult and I was proportionately relieved to be able to send my telegram No. 15132,[4] which removed the last impediments to the immediate issue of a public announcement in India. It was, therefore, with some dismay that immediately afterwards I saw the Commander-in-Chief's telegram No. 19785/Q.Mov.-2,[5] dated 4th July, detailing the programme of August loadings from North America. Programme telegrams of this kind are automatically distributed to the appropriate quarters in the Ministry of War Transport, and I was immediately rung up by Leathers about it. He emphasised that if India were not able to take the full 100,000 a month which he had with great difficulty laid on he could not make up the amounts later on. I asked him not to be too rigid about this, but I think it quite likely that he will hold to this view. I realise the difficulties your people have to face, but I hope you will be able to avoid this happening again. It creates the impression that the need for wheat imports is not so overwhelmingly strong and urgent as to lead you to give

[1] See No. 586. [2] No. 587. [3] No. 588. [4] See No. 555, note 3. [5] L/E/8/3327.

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effective priority to the whole 100,000 tons of wheat (for which I have been fighting as your irreducible minimum) even with the increased shipping programme which was available for August loading. I do not suggest that you should now attempt to have the August programme revised. Indeed, in view of the anxiety of the Ministry of War Transport that they should not be confronted at short notice with changes in the amounts that India can cope with, it might, I think, be prejudicial to your interests to do so. I cannot but feel, however, that the reduction in the amount of wheat to 87,500 tons, coming at this stage and after all that has happened, may make it more difficult for me to press convincingly on my colleagues urgent and emphatic demands from India which may arise in future or in other connections.

[Para. 5, on Mr Walter Lippmann's contemplated visit to India; and para. 6, on leave for Sir G. Cunningham in Kashmir, omitted.]

7. The election, so far as I was concerned, was a dreary and sordid business. There was practically no political organisation on my side, except a few old ladies. My agent was completely inexperienced, the population had largely changed, something like 10,000 of my old supporters having been driven out by the blitz, while on the other hand a good many thousand immigrants had come in who knew nothing about me. On the other side, an able but thoroughly unscrupulous Indian Communist called Palme Dutt had for nearly two years been organising, with apparently unlimited funds, a campaign of vilification against me as "the gaoler of India", the murderer who was directly responsible for a million-and-a-half deaths in Bengal, etc. etc. My Labour opponent was also pretty violent, though not personal in the same way. My meetings were invariably rowdy, though I managed generally to get across most of what I wanted to say and hold my own with questions. These last, owing to the long intermission of serious political controversy, were hardly ever on any real issue, but mainly concerned with political prejudice, e.g., "What did you say about Japan in 1931?", or "Do you think £2-15-0 and a cottage enough for a gardener to live on?" (Mrs. Churchill having just advertised for a gardener on these terms.)

8. Owing to the lack of organisation and workers I was not able to have any regular canvass and have really no idea as to the result in Sparkbrook. I am still hoping that the quiet vote, more particularly of the older people and of the women, *plus* the soldiers' vote, may keep me in. But I shall not be in the least surprised if I were out. In that case it might be possible to find someone with a safe seat who would retire in my favour, but you may have to be prepared for the possibility of another Secretary of State.

9. As regards the country as a whole, the election was equally unsatisfying and its result uncertain. I still think there should be a reasonable majority

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voting for allowing Churchill "to finish the job", but against that there is the accumulated bitterness and fighting spirit of all the socialist workers who feel they have been kept out of office for 15 years now and mean to get in at all costs. Winston opened the campaign badly by jumping off his pedestal and over-doing the attack on socialism as leading inevitably to the Gestapo, etc. All the same, there was much force in his subsequent references to the danger of the Socialist Party being run by an irresponsible executive outside. I needn't tell you about that! On the other hand, he showed quite amazing energy in his tour through the Midlands and the North and finally London, and had triumphal receptions everywhere, though it still remains to be seen whether those who turned out to cheer necessarily voted Conservative afterwards.

10. Julian and Randolph conducted the most spirited campaign in Preston and I am told that the odds are strongly in favour of their having been elected.

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Cabinet Paper C.P. (45) 76

L/P&J/8/522: f 28

India: Constitutional Position

MEMORANDUM BY THE SECRETARY OF STATE FOR WAR

THE WAR OFFICE, *11 July 1945*

I should like to put in writing what I have tried—evidently unsuccessfully—to make clear both at the India Committee and the Cabinet for months past, viz., that whatever the Viceroy and the Secretary of State for India think they are doing with India they are in fact handing it over to the big Indian industrialists who have ever since the foundation of Congress in 1885 been the greatest enemies not only of the British connection but also of the true interests of the great Indian masses. So long as it paid these people, they pursued their ends by subsidising Congress in general and individual Congress leaders in particular to carry on an ultra-nationalist and anti-British agitation ending even in armed rebellion. Through Congress they exercised pressure for high protection, boycott of British imports, legislation making it more and more difficult for British businesses in India to carry on, the extrusion of British personnel from Government posts and so on. But they have begun to get a bit frightened of their own Frankenstein because at least one prominent Congress leader, viz., Nehru, is at heart anti-industrialist and probably Communist. They know that Nehru has only been kept from openly showing himself in his true colours

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towards them by his inherited personal devotion to Gandhi and they realise that even Gandhi is not immortal.

The industrialists have, however, been cunning enough to get Nehru tied up to one heavy insurance in their favour, viz., the so-called Bombay industrialisation plan. This is a wild and chimerical scheme for spending thousands of non-existent crores in no time on lines very similar to the Soviet 5-year plans except that in India the industrialists and they alone are to be exempted from totalitarian control.

Now in the light of this let us look at the Viceroy's proposed allocation[1] of Portfolios in his new Council.

Finance.—Matthai.—An Indian Christian personally well known to me. From ignorance or vice he has been an extreme economic nationalist even when he was a Government servant. He was at one time Chairman of the Indian Tariff Board and has usually produced reports in favour of very high protection. When I was in India I suspected him of being venal and since I left he has become a paid servant of the biggest industrial firm in India (whose main business incidentally was the subject of one of his Tariff Board reports). Technically he is quite unfitted to be Finance Member.

Commerce.—Patel.—Possibly Gandhi's closest confidant. Venomously anti-British, probably the main instigator of the 1942 rebellion. Notoriously in close liaison with the Bombay commercial interests.

Planning and Reconstruction.—Nehru.—For some time he and Patel will march together on the lines of the Bombay plan. When Gandhi dies the alliance may break but this old man looks after his life very carefully.

I know that the Viceroy and the Secretary of State for India say "but our avowed policy is to hand India over to Indians and we must face the consequences however unpleasant". For my part I cannot so easily reconcile myself to the shame of abandoning 400 millions of Indians to a few scores of men who have no social conscience whatever and in comparison with whom the millowners and mineowners of the 1800's in this country were angels of kindness. And we haven't even the consolation of being able to say that these people have been elected by the Indian people. In this sense they are not one whit more responsible than the Viceroy's present Executive Council.

P. J. G.

[1] See No. 582.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/E/8/4869: ff 201–2

PRIORITY INDIA OFFICE, *12 July 1945, 10.45 pm*
PRIVATE

No. 410. Your private telegram 9th July, 178–S.C.[1] United Kingdom High Commissioner in India. Intention certainly was to create post in any event in order that His Majesty's Government in United Kingdom may have someone to represent on their behalf direct to Government of India their case in respect of matters of particular interest to His Majesty's Government or United Kingdom subjects, since the Governor-General, with a Council Indianised even to its present extent, can no longer be expected to press their case in face of conflicting Indian interests, which he has (to put it at its lowest) an equal duty to protect.

2. While present constitutional position of British India *vis-à-vis* His Majesty's Government and Parliament remains unchanged, post is something of an anomaly and its creation presents formidable array of problems, such as (1) definition of particular interests which it will be High Commissioner's function to protect; (2) decision as to what matters must be excluded from his portfolio and remain to be handled direct with Governor-General or Governor-General in Council or appropriate Department of Government of India by Secretary of State for India as member of His Majesty's Government specifically charged with handling relations with India; and (3) consequent definition of High Commissioner's relationship with Governor-General and Crown Representative. These problems are already under active examination in which psychological aspect to which you call attention is constantly borne in mind. Whether post should be borne on Vote of Dominions Office (which is practical indication of being "under Dominions Office") or of Treasury or of Board of Trade or of the India Office, is a detail largely governed by decision of bigger questions mentioned.

[1] No. 578.

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Cabinet C.M. (45) 14th Conclusions, Minute 5

R/30/1/5: ff 8–10

Those present during discussion of item 5 of this Meeting held at 10 Downing Street, S.W.1, on 12 July 1945 at 3 pm were: Mr Anthony Eden (in the Chair), Mr Oliver

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Lyttelton, Viscount Cranborne, Mr Amery, Colonel Oliver Stanley, Mr Brendan Bracken, Mr Harold Macmillan, the Earl of Rosebery, Mr R. S. Hudson

Also present during discussion of item 5 was: Viscount Simon

INDIA

Constitutional Position

(Previous Reference: C.M. (45) 13th Conclusions, Minute 9)[1]

The Cabinet had before them a telegram (No. 191–S.C.[2] dated the 11th July) from the Viceroy reporting the latest developments in his discussions with the Indian political parties. He had now communicated on the lines approved by the Cabinet at their meeting on the 9th July with Jinnah, who had, however, refused to co-operate unless (*a*) all Muslim members of the Executive Council were drawn from the Muslim League; and (*b*) the Governor-General's veto was reinforced by a special safeguard, e.g., that no decision objected to by the Muslims should be taken in Council except by a clear two-thirds majority or some similar provision. The Viceroy had informed Jinnah that he was unable to accept either of these conditions, and had added that he would explain the position to the Conference on the 14th July. He had thereafter seen Gandhi; had explained matters to him and had asked him to use his influence to reduce communal recrimination over the failure of the proposals. He had not disclosed his own complete list to either Gandhi or Jinnah.

The Viceroy now proposed to see the other two leaders (Khizar and Azad); to tell them the communal and party composition of the list, and to say that the Muslim League had felt unable to accept it. He would take the same line at the Conference and would make a short Press statement instead of a broadcast. He would not express any opinion on future possibilities, but would say that he must take time to consider the position. He would in due course report again to the Cabinet on the matters mentioned in paragraph 6 of his telegram after considering the political reactions to the breakdown and consulting with Governors. His own judgment of the position was that we had been close to success and that His Majesty's Government had for the moment gained, rather than lost, ground.

The Cabinet agreed that there was no alternative but to recognise that the Viceroy's strenuous efforts to reach a settlement had failed, and that the breakdown must be acknowledged publicly, though without recrimination.

The following points were made in discussion—

(*a*) The Viceroy's action in communicating with Gandhi, Khizar and Azad before reporting back to the Cabinet was not wholly consistent with the message which the Cabinet had sent him. It was suggested, on the other hand, that if Lord Wavell proposed to say no more to Khizar and Azad than he had to Gandhi, viz., to tell them of the communal and

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party composition of the list and ask them to use their influence to reduce communal and party recrimination over the failure, no great harm had been done.

(*b*) It was of first importance that the course of events leading to the breakdown of the discussions should be clearly presented to the public in this country and abroad. The Viceroy proposed to make a statement to the Press. It was desirable that a simultaneous statement should be made on behalf of His Majesty's Government. In these circumstances the Cabinet felt that the Viceroy should be asked to telegraph the text of the statement which he proposed to make; that he should be informed that His Majesty's Government would themselves issue a statement, and that he should be given an opportunity of commenting on its terms.

(*c*) It would be desirable, in replying to the Viceroy, to assure him that all possible steps would be taken to prevent any leakage in this country of his proposed list of names.

The Cabinet—

Invited the Lord Chancellor and the Secretary of State for India, on behalf of the India Committee, to settle in the light of the Cabinet's discussion, subject to the approval of the Secretary of State for Foreign Affairs, terms of (i) a reply to the Viceroy's telegram; and (ii) a statement by His Majesty's Government, which would be communicated to the Viceroy for comment before being issued to the Press in this country.

[1] No. 586. [2] No. 589.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: f 26

MOST IMMEDIATE INDIA OFFICE, *12 July 1945, 7.25 pm*

15659. Superintendent Series. Cabinet has considered your 191–S.C.[1]

1. Cabinet agree that your only course is to recognise that your strenuous efforts have failed and that breakdown must be acknowledged publicly without recrimination at final meeting of Conference on Saturday.

2. We warmly agree that everything possible should be done to prevent exacerbation of communal feeling and appreciate that this was the object of the interviews you had after Jinnah left.

3. Your provisional list must of course be kept absolutely secret.

[1] No. 589.

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4. It will be necessary for the India Office to issue a brief statement on behalf of H.M.G. announcing the breakdown and the text of this follows in immediately succeeding telegram. Meanwhile I should be glad to have text of your proposed press statement. As the issue of these two should if possible be synchronised, please let me know what hour on Saturday would be most suitable for publication.

5. The Cabinet gratefully recognise that you have handled the whole business admirably. The outcome is to reveal how terribly difficult it is to solve the problem and to make plain that the difficulties are at any rate not of our own making.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: f 25

MOST IMMEDIATE INDIA OFFICE, *12 July 1945, 6.50 pm*

15660. Superintendent Series. My immediately preceding telegram. Proposed statement is as follows. *Begins* H.M.G. greatly regret to announce that the Conference of leading Indian politicians convened at Simla by the Viceroy of India, with a view to the reconstitution of his Executive Council, has failed to reach the requisite measure of agreement. These proposals were contained in the White Paper of June 14th[1] and were announced to Parliament on that day.

The Viceroy, who has most patiently and assiduously endeavoured to bring the parties together, has therefore terminated the sittings of the Conference.

[1] No. 507.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *12 July 1945*
Received: 19 July

So all our plans have for the moment broken down in face of Jinnah's intransigence. That doesn't in the least alter my conviction that we were right in putting them forward and I am convinced that, not only here and in the United States, but in India itself, our action will be regarded as justified. It is at any rate something to have further confirmation of the fact that the difficulty

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does not lie as between India and His Majesty's Government, but within India itself. For the time being, at any rate, there should be a considerable diminution of bitterness against this country, and your own personal authority will, I believe, have been greatly strengthened. Nor will it be altogether to the bad that the Congress leaders have been in personal touch with you and brought right up against the fact that it is the Muslim League and not you or I who stand in the way of their aspirations. They have, after all, by coming into the conference, abandoned their claim that they are the only people to take over from us. They must now either acquiesce in Pakistan, or realise that they have somehow or other to win over Muslim support against Jinnah, and that a mere façade of tame Congress Muslims does not help them.

2. As regards the future, here are my preliminary reactions, but they are purely preliminary and you must not regard them as final. Nor, of course, has the Cabinet yet considered the matter. My own inclination would be to carry on with your existing Executive, subject only to filling vacancies caused by resignations, rather than attempt a reconstruction at this moment. I would then consider whether it would not be really desirable now to have elections in the coming cold weather. For one thing, the attitude of Congress can hardly be as bitter against us now as it was before our proposals were put to them, and there is a good deal to be said for taking advantage of the *détente*. Nor can it be said that there is any real danger now to the safety of India. In the light of elections and the resumption of ministerial government, you may then be able to consider whether our proposals cannot be revived, either at a resumed conference on the same lines as the present, or on the basis of a conference of Provincial Premiers, with a view to a reconstituted Executive based entirely on Provincial nominations. It by no means follows that Jinnah will sweep the board in the Muslim Provinces, and, if not, the Provincial basis may be the best one. On the other hand, if he really does, then his claim that the Muslim members should all the [? be] members of the League could not so well be resisted.

3. In view of these possibilities, I feel a little doubtful about the desirability of any interim drastic reorganisation of your Council, for you obviously would not be able to give the new Council any better assurance of their future than is enjoyed by the present one. It is, after all, easier for people to stay on on the uncertain tenure (as indeed I am at this moment!) than to accept a new and responsible job with possibly only six months' tenure of office.

4. On the other hand, if, after the elections, it still seems impossible to get the parties together in order to constitute a politically-based Executive, then I feel that we shall have to come back to what was my earlier idea, namely, of a completely Indianised Executive, but one still based on individual selection

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by yourself regardless of parties, and work towards gradually strengthening the authority of such a body in the hope that it may acquire increasing authority while the parties themselves may break up. A vigorous use of the radio in support of the Executive, and possibly purchase of some leading papers by friends of the Government might do a great deal. I would be by no means certain that some men of the Birla type might not be induced to abandon their subsidy of the parties in order to back up an Indian Government that was at any rate Indian in composition, concentrated on Indian reconstruction (even if [?not] unduly nationalist in methods) and was recognised by the world at large as all out to defend Indian interests without interference from here.

5. Whether we could get support for such a policy from the present Cabinet is another question. Logically at any rate I could urge that there was less danger in conceding these wide powers to a nominated Executive than to one whose members are always in danger of being controlled from outside by the party bosses. That is a line which would not have commended itself to Attlee or Cripps in the Coalition Government, but might commend itself to my present colleagues. On the other hand, if the present Government is turned out and someone like Bevin succeeded me I should not wonder if he acquiesced in such a policy and laid himself out to resist the kind of Cabinet intervention in Indian affairs which I have tried to resist to the best of my ability, but not always with success.

6. In that connection I certainly want to push on with the appointment of a United Kingdom High Commissioner to India. The Cabinet decision clearly did not make that contingent on the success of our proposals, and John Anderson at any rate is very keen on the necessity of having such a representative to argue his case with the Government of India over sterling balances. So far as I personally am concerned, I would certainly prefer the High Commissioner not to be on the India Office Vote and technically under myself, for I am anxious that the position of Secretary of State should be generally accepted as only concerned with an ultimate responsibility for the Governor-General's reserve powers on the one hand and for the exercise of the Crown Representative's responsibilities on the other. For the moment, however, the High Commissioner's functions would be mainly economic and I am not sure, much as I should like to bring it about, that we can at once proceed to the Dominion position in which he is also the mouthpiece of His Majesty's Government in regard to foreign policy. From that point of view there might be something to be said for making him the joint responsibility of the Treasury and the Board of Trade. Putting him on the Dominions Office Vote would, on the other hand, while not exactly corresponding to the immediate situation, be an earnest of our intention as to the future. It would also make it easier for the Indian High Commissioner here to be invited regularly with the Dominion

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High Commissioners to the informal consultations on high policy, which I imagine will be continued after the war.

I can only end this letter with the stock election question and answer: "Are we downhearted?"—"No!".

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: f 36

IMMEDIATE SIMLA, *13 July 1945, 8.5 pm*
SECRET *Received: 13 July, 9.30 pm*

No. 204-S.C. Superintendent Series. Your Nos. 15659[1] and 15660[2] of 12th July. I agree to text of your proposed statement.

2. I have decided to issue to Press text of my statement to Conference and not repeat not to issue separate Press note. Substance of statement to Conference will in any case be made public by delegates and it seems best to issue it in full. Text is included in my immediately succeeding telegram.

3. Conference meets 11 a.m. 14th and my statement will be released to Press at 2-30 p.m. It will presumably be broadcast in evening services of A.I.R. and published in evening papers. It will also be carried in morning papers of 15th.

4. I am deeply grateful for Cabinet's appreciation of my efforts. Their support and prompt decisions during last few days have been invaluable.

[1] No. 596. [2] No. 597.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 36–7

IMMEDIATE SIMLA, *13 July 1945, 8 pm*
CONFIDENTIAL *Received: 13 July, 11.30 pm*

No. 205-S.C. My immediately preceding telegram. Following is text of my statement to Conference:—

Begins. I must give the Conference an account of what has happened since we adjourned on 29th June. As you know, my original intention was that the Conference should agree upon the strength and composition of the Executive Council, and that thereafter parties should send me lists of names. To these

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lists I would, if necessary, have added names of my own, and attempted to form on paper an Executive Council, which might be acceptable to His Majesty's Government, myself, and the Conference. I intended to discuss my selections with the leaders, and finally to put them to the Conference.

[2.] Unfortunately, the Conference was unable to agree about the strength and composition of the Executive Council, and on the 29th June I undertook, with the approval of the Conference, to endeavour to produce a solution not based on any formula agreed in advance. I asked the parties to let me have lists of names, and said I would do what I could to produce a solution acceptable to the leaders and to the Conference.

3. I received lists from all parties represented here except from the Muslim League.[1] I was, however, determined that the Conference should not fail until I had made every possible effort to bring it to a successful ending. I therefore made my provisional selections including certain Muslim League names, and I have every reason to believe that if these selections had been acceptable here they would have been acceptable to His Majesty's Government.

4. My selections would, I think, have given a balanced and efficient Executive Council, whose composition would have been reasonably fair to all the parties. I did not find it possible, however, to accept the claims of any party in full. When I explained my solution to Mr. Jinnah he told me that it was not acceptable to the Muslim League, and he was so decided that I felt it would be useless to continue the discussions. In the circumstances I did not show my selections as a whole to Mr. Jinnah, and there was no object in showing them to the other leaders.

5. The Conference has therefore failed. Nobody can regret this more than I do myself. I wish to make it clear that the responsibility for the failure is mine. The main idea underlying the Conference was mine. If it had succeeded, its success would have been attributed to me, and I cannot place the blame for its failure upon any of the parties. I ask the party leaders to accept this view, and to do all they can to ensure that there are no recriminations. It is of the utmost importance that this effort to secure agreement between the parties and communities should not result in a worsening of communal feeling. I ask you all to exercise the greatest possible restraint.

6. I have now to consider the next steps. I must remind you that, whatever happens, the first two of the three tasks mentioned in my broadcast—the prosecution of the war against Japan, and the carrying on of the administration and preparation of post-war development—must be performed by the Government of India for the time being in office. It will be my duty to see that these tasks are performed with the greatest energy that I can impose, and I cannot permit any hindrance to them.

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7. I propose to take a little time to consider in what way I can best help India after the failure of the Conference. You can all help best by refraining from recriminations. The war against Japan must be carried on, and law and order must be maintained; and until I see my way more clearly than I do now, it may be difficult, perhaps impossible, to suggest any new move. No Government can carry on under the daily prospect of change or dissolution. I have to secure the stability and day-to-day efficiency of my Government, and it would be impossible to enter upon continuous or even frequent political discussions of this kind. Whatever decisions His Majesty's Government may take in the near future must therefore, in all probability, hold good for some little time.

8. I thank you all for the help you have given me, and for the restraint, patience and understanding which you have shown. Do not any of you be discouraged by this set-back. We shall overcome our difficulties in the end. The future greatness of India is not in doubt. *Ends.*

[1] When this sentence was read to the Simla Conference it ran: 'I received lists from all parties represented here except from the European Group, who decided not to send a list, and the Muslim League.' L/P&J/8/624: f 50.

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Maulana Azad to Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 104–5

ARMSDELL, SIMLA, *13 July 1945*

Dear Lord Wavell,

In my letter to you of July 7th[1] forwarding a list of names on behalf of the Congress for the proposed Executive Council, I had suggested that you might draw our attention to any discrepancy in our list or any difficulty that His Majesty's Government may feel. I had hoped that this list as well as any other list or names contemplated by you would be discussed by you with me, and I had assured you that it would be my Committee's best endeavour to accommodate you. I was surprised, therefore, at the absence of any such consideration during our yesterday's conversation[2] and at your non-disclosure of your list to me. I did not understand this then and do not even now understand it after discussion with my colleagues. You hesitated because you thought that your list might not be acceptable to my colleagues or me. It is not possible for me to say, without knowing the contents of the list, what our reaction to it would

[1] No. 572.

[2] A very brief note of this conversation is in Wavell Papers, Notes of Important Interviews, 1943–7, pp. 10–11.

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have been. But I feel that in thinking as you did you were less than fair to Congressmen who, on your own admission, had tried, in spite of heavy odds, to help you in every way possible. I should like to emphasise the fact that the whole of the Working Committee was released on the 15th June 1945 and your broadcast on the Conference was delivered on the previous day, June 14th. Further that many noted Congressmen and colleagues of ours are still under detention and the A.-I.C.C. is still an illegal organisation. Because of long periods of imprisonment most of us are as yet hardly fit for strenuous work. Nevertheless, taking the proposals at their face value, Congressmen have responded to your invitation and rendered all possible help.

In the circumstances I suggest that you owe it to us to show your list and let my Committee have the option if they wish of rejecting it or suggesting modifications. At the Conference you had said that you would discuss your list with the leaders.

I may inform you that what are claimed to be authentic assertions are being made as to the contents of your list. They appear to be startling.

I feel, therefore, that you should show your list not only to me for being discussed with my colleagues but finally place it before the Conference for adoption, unless on second thought you conclude that it must be withdrawn.

Yours sincerely,
A. K. AZAD

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Field Marshal Viscount Wavell to Maulana Azad

Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 105

VICEREGAL LODGE, SIMLA, *13 July 1945*

Dear Maulana Saheb,

Thank you for your letter of 13th July. I am sorry if I did not make my position clear to you when I saw you yesterday. As you know, I intend to make a statement when the Conference meets tomorrow, and I hope this will make my position quite clear to you. In the meantime I am sure that you and your colleagues will attach no importance to the "authentic assertions" to which you refer towards the end of your letter. There will naturally be a great deal of irresponsible speculation, but it can certainly not be authentic, as I have not disclosed my selections, and do not intend to do so.

Yours sincerely,
WAVELL

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Minutes of Final Meeting of Simla Conference on 14 July 1945

L/P&J/8/524: ff 50–2

His Excellency the Viceroy presided and all the members were present.

The Conference assembled at 11-6 a.m. His Excellency at the outset read out a statement of what had happened since the Conference adjourned on the 29th June, which is reproduced below.

[*There follows the text of the Statement in No. 600.*]

His Excellency observed that he had stated briefly what had happened and he proposed to issue the statement to the Press if the Conference had no objection. His Excellency hoped that the Conference would accept that he had done his best; his own efforts to do his very best for the future greatness of India would continue.

Maulana Abul Kalam Azad did not agree with His Excellency's comments as regards the failure of the Conference. With his usual sincerity His Excellency took upon himself all the responsibility which really rested on other shoulders. But the facts spoke in their own unequivocal manner. His Excellency had invited them to the Conference. There were some basic issues requiring elucidation and His Excellency cleared up these points. The Conference adjourned once in order to allow the parties to come to some settlement. The differences which arose were well known. The Muslim League wanted all Muslims members of the Executive Council to be nominated by them. To this the Congress could not agree. If the Congress had accepted this position, it would have reduced itself to a communal organisation. As a Muslim, he could not tolerate reducing the Congress from a national organisation to a communal one. The Congress should carry the Muslims in India with it. The Congress could not therefore accept the Muslim League claim to have the sole right to select the Muslim representatives. From the account His Excellency had just given, it was clear that he too had no alternative but to reject this claim. In the circumstances, there was no doubt where the responsibility for the failure of the Conference lay. His Excellency had now to take a decision and he had chosen to postpone the Conference. In this connection Maulana Azad ventured to say that the communal situation had reached such an acute stage that a final solution of it could not be postponed any longer. Maulana Azad hoped that His Excellency would not misunderstand when he said that the British Government could not absolve itself of the blame for the present communal problem. So long as there was a third power, the two parties were like pawns which could be moved one way or the other. The question could

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only be solved on the basis of justice, equity and fairplay and not of expediency. His Excellency should consider the matter in all its aspects and once a decision was taken he should adhere to it. In conclusion, Maulana Azad said that he was convinced that the line he had taken in the Conference was the right one. He assured His Excellency on behalf of the Congress that the attitude of the Congress would be the same outside as it had been inside the Conference. His Excellency had tried to solve the present deadlock. There were differences among the parties which proved insuperable but His Excellency had tried his best, and the Congress was thankful to him for it.

His Excellency said that he appreciated what Maulana Azad had said. The problem which they attempted to solve was a very big one. He had failed but he was not unhopeful of future success. Sooner or later they must reach a solution based on justice and fairplay. At the same time, His Excellency thought that political questions had to be settled on the basis of compromise and expediency. He appreciated the helpful attitude of the Congress and thanked Maulana Azad for his appreciation of the part he himself had played. His Excellency had done his best and would continue to do his best.

Mr. Rajagopalachari said that the solution which His Excellency had attempted was entirely an interim one, and the negative attitude of any party or group should not be allowed to stand in the way of giving effect to it. The communal problem required a long-term solution based on agreement for a permanent constitution, but for an interim solution administrative and territorial principles, and not communal considerations, should prevail. The Congress had shown itself willing to co-operate. Mr. Jinnah's claim that he represented the Muslim community, which was not tested by a general election, could not be accepted and His Excellency was right in rejecting it. On that basis the Conference stood defeated. He hoped however that His Excellency would bear in mind what he had said about an interim settlement on an administrative basis.

His Excellency thanked Mr. Rajagopalachari and said that he would keep in mind what he had said.

Mr. Jinnah said that he fully appreciated the efforts which His Excellency had made and knew that His Excellency had done his best. He entirely agreed with His Excellency's observations that they should not enter into any recriminations. But both Maulana Azad and Mr. Rajagopalachari, when they spoke, forgot the fundamental principles underlying the Muslim League attitude. The stand taken by the Muslim League was fundamentally different from that of the Congress. The Congress stood for a united India whereas the Muslim League stood for Pakistan and these two were entirely incompatible. The Muslim League had repeatedly offered their hand of co-operation for the prosecution of the war. They had not interfered with the war effort. Mr. Jinnah then said that there were two conditions which the Muslim League

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wanted the British Government to guarantee. The first was Pakistan which under His Excellency's broadcast and the Secretary of State's speech had been put in cold storage indefinitely. The second point was that the Muslims should be granted equality in any interim arrangement. He appreciated the position of the other minorities. These minorities, constituted as they were, could not form a separate State. In order to safeguard their interests they would always associate with the Congress. In effect the strength of the Muslim League in the new Council would be reduced to one-third. This would not help the Muslims. His Excellency's veto could not be exercised in day-to-day matters. The Muslim League therefore must have some protection and there should be some form of veto, e.g., a specified majority in the Executive Council on particular matters. Protection of this kind was not unknown in other constitutions. As regards Muslim representation, the Muslim League must have the right to nominate the entire bloc of Muslim members. His Excellency's idea of a panel was not acceptable to the Muslim League. Mr. Jinnah then quoted the correspondence which passed between him and Lord Linlithgow.[1] If His Excellency reserved to himself the right to nominate Muslims and to include non-League Muslims among them, Mr. Jinnah's reply would be that he could not accept such an arrangement. It was on this issue that the Conference had failed. It might be a small matter but it cut at the very root of the position taken up by the Muslim League. In conclusion, Mr. Jinnah thanked His Excellency for his courtesy and for the trouble he had taken to bring about a settlement. He said that it suited the Congress to come into the scheme for they stood for a united India, and once they came in they would strangle Pakistan. In the circumstances it would not be in the interest of the Muslim League to accept the offer.

At this stage Pandit G. B. Pant speaking for Maulana Azad said that any suggestions which His Excellency had made to Mr. Jinnah would not be binding on the Congress.

Dr. Banerjea explained at length his own view as regards the future. He said that the Conference had raised high hopes and there was bound to be keen disappointment at its failure. He appreciated the efforts which His Excellency had made for the political advancement of India. A solution must be found on the basis of right and justice. Dr. Banerjea observed that His Excellency could not expect a complete measure of agreement and that one party could not hold up the progress of the country for all time. He suggested that a possible alternative would be for His Excellency to select the Cabinet from the Central Legislature. The question of agreement among parties would not arise in that event. It was disastrous to continue the present policy of drift. Dr. Banerjea further suggested that in any case responsible government should be established in Section 93 Provinces and that all political prisoners should be released.

[1] Presumably a reference to the correspondence on Mr Jinnah's 1940 proposal; see No. 544, note 1.

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Sir Henry Richardson regretted the failure of the Conference and said that he and his community would always continue their efforts to bring about some settlement among the major political parties.

Malik Khizr Hyat Khan thanked His Excellency for his kindness, civility and hospitality and recognised that His Excellency had done his best. He said that the failure of the Conference was not due to any lack of efforts on His Excellency's part. With reference to Mr. Jinnah's attitude, he had understood that the Muslim League would be content with one-third of the seats in the Council. He had himself claimed one seat for his Province. It was his view that no party could monopolise representation for its own followers as this would mean disenfranchising other schools of thought. Malik Khizr Hyat Khan added that when he put his claim forward, he had assumed that the main parties would come to some agreement.

The Maharaja of Parlakimedi also thanked His Excellency and said that the failure of the Conference would be received with great disappointment in Orissa. He appealed to the leaders to try again to come to some sort of solution and help to make a start towards the progress of the country.

Master Tara Singh thought that in the present tangle the solution for the interim period should be based on arbitration. He said that if Muslims demanded Pakistan, his community wanted a separate State for themselves. Pakistan was a greater danger to the Sikhs than to the other communities.

Mr. Sivaraj associated himself with the previous speakers as regards the efforts which His Excellency had made in bringing about a solution. He observed that expediency must be tempered with justice and fairly [*sic*]. He thought that both His Majesty's Government and His Excellency had approached the problem wrongly because they assumed that there were only two parties to a settlement. Mr. Jinnah had claimed to be the champion of the minorities, but if he wanted parity for Muslims with all other communities taken together, it was obvious that he was no longer the champion of the smaller minorities. If Muslims with a population of 80 millions could have a say in the matter, surely 60 million Scheduled Castes were a distinct element in the national life of India with a right to have their say too. If an approach was made for a settlement on the basis of two parties, the Scheduled Castes would not get any justice. In any future settlement he requested His Excellency to keep this in mind.

His Excellency once more thanked the delegates and said that he would take note of what they had said.

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604

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 64–5

IMMEDIATE SIMLA, *14 July 1945, 9.25 pm*
SECRET *Received: 14 July, 9.45 pm*

No. 212–S.C. Superintendent Series. Conference met this morning with full attendance. I made statement of which you already have text. I then asked leaders for their observations beginning with Azad.

2. Azad said I was wrong to take responsibility for failure of Conference. Facts must be faced and Conference had failed because Muslim League had refused to abandon their claim to nominate all Muslim members of Council. Congress could not possibly accept this and as a Congressman and a Muslim he thought Congress were quite right. It was evident that I, like Congress, had failed to convince Jinnah. The British could not divest themselves of all responsibility. As long as they were in India as a third party the Congress and League were only pawns in the political game. The Congress believed that the communal problem could now be solved only by a just decision which must be firmly enforced. He said that Congress would not forget that I had made a sincere effort to solve the Indian problem. He did not regret the line he had taken at the Conference and he and his colleagues would take the same line outside.

3. Rajagopalachari supported Azad and suggested that an interim settlement might be found on territorial or administrative rather than on communal lines. He implied that the blame for failure rested on League.

4. Jinnah made long statement. He thought it unnecessary to apportion blame for failure of Conference but as two speakers had raised this issue he must bring Conference back to fundamentals. Muslim League and Congress viewed affairs from entirely different angles and in proposed new Council there would have been constant clash between idea of Pakistan and plans for United India. Muslim League had repeatedly offered co-operation but must be assured of Pakistan. They insisted on two main conditions for participation in interim Government: first, declaration by His Majesty's Government of right of self-determination for Muslims; and secondly, some convention to ensure that Muslim objections could not be overruled by majority vote in Council. He actually seemed to claim grant to Muslims of equality with all other communities taken together in interim Government but I do not think he meant this literally. Present proposals did not meet first condition and interim arrangement might well become permanent. Second condition could not possibly be

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fulfilled by proposal that Muslims should have only one-third of total number of seats in Council. Moreover Muslim League must insist on nominating all Muslim members. This was a fundamental point. Referring to Rajagopalachari's remarks Jinnah said that differences between outlook of Congress and League would persist in any interim arrangement on whatever basis. The League fear was that Congress would make use of interim arrangement to consolidate their position and gradually strangle League and Pakistan.

5. Other speeches were unimportant except for those of Tara Singh who said that Sikhs could accept Pakistan only if Muslims agreed to separate Sikh State, and Siva Raj who claimed for Scheduled Castes separate status as majority [?major] party.

6. After leaders had spoken I terminated Conference. Proceedings were less bitter than I had expected. Real reason for breakdown is contained in Jinnah's concluding words. There is genuine fear among Muslims (other than Nationalists) of Congress and Congress propaganda, and conviction that Congress would combine with other minorities in any interim Government to settle finally with League. Jinnah would have done better to say nothing, and on the League case as now stated by him it is difficult to understand why he accepted invitation to Conference.

605

Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: f 20

MOST IMMEDIATE INDIA OFFICE, *14 July 1945, 3.30 pm*

EN CLAIR

No. 15821. On the conclusion of the Conference with leaders of the Indian parties announced in your statement of today I desire on behalf of His Majesty's Government to place on record their appreciation of the patience and skill with which you have conducted these negotiations and which make the failure of the Conference all the more disappointing.[1]

[1] A note by Sir C. Kisch on this document states that the wording of this telegram had been agreed with Lord Simon and Mr Amery.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/6/108d: f 27

IMMEDIATE INDIA OFFICE, *14 July 1945, 8.15 pm*
PRIVATE

413. My warmest congratulations on the generosity and wisdom of your statement. If anything can bring about a change of heart in the Party Leaders it will be your magnanimity in placing the failure of the Conference on your own shoulders. That is a spiritual sitting Dharma [? Dharna] whose appeal they know, yet find it hard to resist. Anyhow, are we downhearted? No!

607

Note by Field Marshal Viscount Wavell

Wavell Papers. Notes of Important Interviews, 1943–7, p. 180

14 July 1945

NOTE ON HIS EXCELLENCY'S INTERVIEW WITH PANDIT JAWAHARLAL NEHRU ON 14 JULY 1945

He was quite friendly. We talked for an hour and a quarter. His main theme was that Congress represented a modern Nationalist tendency—the League a mediæval and separatist one. He showed no special bitterness against Jinnah and the League, admitted that there was a psychological fear of Hindu domination, but claimed that it was unreal and unwarranted though he admitted that there was a section of Hindus out for complete Hindu domination. He did not put forward any special solution of the problem. He is more of a theorist than a practical politician but earnest and I am sure honest.

W.

608

Field Marshal Viscount Wavell to Mr Gandhi

Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 105–6

SIMLA, *14 July 1945*

Dear Mr. Gandhi,

I write to thank you for coming to Simla, and for staying here at my request until the Conference ended. I am very sorry that the Conference has failed,

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but I hope that this effort to bring the parties together may not in the end have been entirely wasted.

Yours sincerely,
WAVELL

609

Sir E. Jenkins to Nawabzada Liaquat Ali Khan

Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 106

SIMLA, *14 July 1945*

Dear Nawabzada Liaquat Ali Khan,
I understand from Mr. Menon that you told him this morning that Mr. Jinnah wishes to publish the recent correspondence between the Viceroy and himself. The letters referred to are presumably the following:—

(1) Mr. Jinnah's letter of 7th July.[1]
(2) The Viceroy's letter of 9th July.[2]
(3) Mr. Jinnah's letter of 9th July.[3]

In addition there are formal letters from me to Mr. Jinnah of 8th[4] and 10th July.[5]

2. If this is the correspondence referred to, His Excellency asks me to say that there is no objection to its being published.

Yours sincerely,
E. M. JENKINS

[1] No. 573. [2] No. 579. [3] No. 580.
[4] Acknowledging No. 573 and suggesting a time when Lord Wavell would be glad to meet Mr. Jinnah. L/P&J/8/522. For Lord Wavell's note of this meeting, see No. 574.
[5] No. 585.

610

Maulana Azad to Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 106

ARMSDELL, SIMLA, *14 July 1945*

Dear Lord Wavell,
It was decided that the proceedings of the Leaders' Conference should be kept confidential so that untimely or improper publicity may not in any way affect its decisions. Now that the Conference is over, there is no longer the same justification for keeping the transactions secret. On the contrary, such a course

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may lead to unauthorised speculations and misrepresentation of the attitude of the participants to the Conference. It is therefore the desire of the Congress Working Committee that I should place before the public the attitude and the policy the Congress had maintained throughout the Conference, and publish the relevant correspondence in that connection. You will, I am sure, agree that the Congress owes it to its supporters as well as its critics to state and clarify the position it has adopted throughout the Conference. I trust you will have no objection to my doing so through the press.

Yours sincerely,
A. K. AZAD

611

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: f 38

IMPORTANT *15 July 1945*
EN CLAIR
No. 40-S.G.T. Your No. 15821[1] of 14th July. I am deeply grateful for this message and thank you and your colleagues for all your help and support.

[1] No. 605.

612

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: f 38

IMPORTANT *15 July 1945*
SECRET
PRIVATE
216-S.C. Your No. 413[1] of 14th July. Very many thanks. But I fear there is little sign of any change of heart.

[1] No. 606.

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613

Field Marshal Viscount Wavell to Maulana Azad

Wavell Papers. Political Series, April 1944–July 1945, Pt II, pp. 108–9

VICEREGAL LODGE, SIMLA, *15 July 1945*

Dear Maulana Sahib,

Thank you for your letter of 14th July.[1] I do not think that as Chairman of a conference which has now dispersed, I can properly authorize any party or delegate to depart from the decision that the proceedings should be confidential. The decision was not intended to cover the period of the conference only—the idea was that the delegates would speak more freely if they knew that what they said was not going to be recorded or published.

I am not sure what the correspondence is to which you refer. If it includes the letter[2] you sent me with your list of names, and the list of names itself, you will remember that it was the particular wish of the conference that the lists sent to me by parties should not be disclosed.[3]

Yours sincerely,
WAVELL

[1] No. 610. [2] No. 572.

[3] On 16 July Azad replied leaving it to Lord Wavell to decide the time for release. Wavell Papers, Political Series, Pt II, p. 110.

614

Maulana Azad to Field Marshal Viscount Wavell

L/P&J/8/524: f 130

ARMSDELL, SIMLA, *15 July 1945*

Dear Lord Wavell,

After announcing the failure of the conference, you were good enough to ask for the support of all parties in ensuring a calm atmosphere. I do not propose to reiterate the Congress view about the failure. I expressed it sufficiently at the conference. But in fairness to you and to ourselves I must point out that co-operation inevitably depends on the removal of obstacles to it. Some of these obstacles are of a psychological nature with roots in the past relations between India and England. These can only gradually disappear with a change in those relations. But there are others of a more tangible kind which serve as constant irritants to our people and which affect our day to day activity. They are continually before us. In spite of this preoccupation, however, we did not think it desirable to raise this matter, except perhaps rather vaguely in the course of

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conversations with you, as we were anxious not to place any difficulties in your path when you were dealing with a delicate situation.

2. But now that one chapter has ended and our minds, as well as yours, are turned to future possibilities of finding a way out, honourable to all concerned, and leading to the objective of Indian freedom, these obstacles to co-operation cannot be ignored. I am taking the liberty, therefore, of pointing them out to you in the hope that you will have early steps taken to have them removed.

3. The steps that I consider necessary and earnestly urge upon you are:

(*a*) the bans on all Congress and allied organisations should be removed at once. It has not been possible to convene the A.I.C.C. because of its being an illegal organisation.

(*b*) all detenus should be released without any condition being imposed upon them, whether the detention was imposed by the Central Government or the Provincial Governments.

(*c*) all restrictions on the movements of released detenus or prisoners should be removed.

(*d*) cases of all prisoners convicted for political or like offences should be examined by a popular judicial tribunal and its verdict should be regarded as final by the Government.

(*e*) extra-legal restrictions on the freedom of the Press or on the movement or association of people should be removed so as to make the people feel that they are free to follow normal activities under democratic conditions.

(*f*) all pending sentences of hanging arising out of the disturbances of August 1942 should be commuted to life sentences.

(*g*) all pending arrests of "absconders" should be cancelled.

(*h*) all prisoners who have served full fourteen years should be unconditionally discharged.

(*i*) what has been said above about prisoners applies equally, and with even greater force, to properties, movable and immovable, and frozen or confiscated.

4. I have not endeavoured to argue out the justness of the foregoing requirements as I have no doubt that you will yourself appreciate the need for action along the lines indicated. If India is on the eve of having a *bona fide* national representative Executive, leading to independence after the defeat of Japan, then the necessity for this approach is self-proved and inevitable.

5. There is another matter to which I should like to refer. I need hardly say on behalf of the Congress that whatever the result of your promised effort the Congress is and has always been against the Japanese aggression. Therefore, there will always be on the part of the Congress a desire for the defeat of Japan

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in her designs upon China or any other aggression on her part. But the thought expressed in this paragraph will be incomplete if I did not inform you that, in the Congress estimation, the effort now being made on Indian soil will continue to be looked upon as a British and Allied effort, so long as there is not at the Centre a popular government assisted by provincial popular governments.[1]

Yours sincerely,

A. K. AZAD

[1] Lord Wavell's reply to this letter dated 24 August 1945 will be printed in Vol. VI.

615

Mr Gandhi to Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 109

"MANOR VILLE", SIMLA WEST, *15 July 1945*

Dear Friend,

I thank you for your note of the 14th instant.[1] It gladdens me to think that you have appreciated my effort to advance the common cause. As you perhaps know, I have arranged to leave here tomorrow. A special from Kalka will carry me to Wardha by the kind courtesy of the authorities concerned.

It grieves me to think that the Conference which began so happily and so hopefully should have ended in apparent failure—due exactly, as it would seem, to the same cause as before. This time you have taken the blame on your shoulders. But the world will think otherwise. India certainly does.

I must not hide from you the suspicion that the deeper cause is perhaps the reluctance of the official world to part with power, which the passing of the virtual control into the hands of their erstwhile prisoners would have meant.

Be that as it may, what a pity that the moral height which the British, if not even the Allied Powers, would have occupied by the success of the Conference cannot be theirs, at any rate, for the time being.

I must not close this without a reminder about the Bihar case.[2] Your passing remark that it was one of ordinary dacoity, calling for the heavy hand of law, disturbed me. This was no such dacoity. The young man who is under sentence of death is no professional dacoit. He is a misled Congressman under twenty-five years (I think) with a young wife of twenty years. I do hope that all such death sentences will be commuted to life sentences. It seems to be the least demand of humanity, if not also of high politics.

Yours sincerely,

M. K. GANDHI

[1] No. 608. [2] See No. 576, note 2.

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616

Mr Rajagopalachari to Field Marshal Viscount Wavell

Wavell Papers. Political Series, April 1944–July 1945, Pt II, p. 110

SIMLA, *15 July 1945*

Dear Lord Wavell,

I write this in my personal capacity and to tell you how grieved I am at the "failure" of the Conference. I was one of those who were very hopeful and the disappointment is therefore very great.

You have said in your statement that you would in course of time consider in what way you could best help after this unfortunate failure. I would suggest earnestly the consideration of ordering all provinces to convene their legislatures, and form constitutional governments on the basis of the 1935 Act as before, in replacement of Section 93 administrations and the formation of an inter-provincial Council under Section 135 of the Act of 1935. The powers given under that section are wide enough to cover a great deal that may lead to a reconstituted Central Executive ignoring the communal claims.

My belief is that an Executive Council based on representation of each Provincial Government *plus* a few members to fill the gap in the representation of Special Minority interests is the best solution which should be taken up by you as early as possible.

Your Excellency's very sincerely,
C. RAJAGOPALACHARIAR

617

The Nawab of Bhopal to Field Marshal Viscount Wavell

L/P&S/13/982: ff 41–3

BHOPAL, *15 July 1945*

My dear Lord Wavell,

I am writing in continuation of my telegram of 10th July[1] from Bombay regarding the withdrawal of resignations of the office-bearers of the Chamber of Princes.

2. The Special Committee of Rulers met in the forenoon of the 10th July 1945, and reviewed the position in regard to resignations in the light of my

[1] Giving Lord Wavell the information that the Members of the Standing Committee present at Bombay had decided unanimously to withdraw their resignations and promising him the present letter. Wavell Papers, Official Correspondence: India, January–December 1945, p. 200.

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report of the meeting with Your Excellency on the 20th June, 1945.[2] The Committee unanimously reached the following decision:—

(*a*) that the Chancellor, the Pro-Chancellor and the Members of the Standing Committee who had resigned may be requested to withdraw their resignations and thereby restore the normal working of the machinery of the Chamber of Princes. This step is considered desirable, in view of the assurances given by His Excellency the Viceroy contained in his letter of the 25th June,[3] to enable the continuance of further negotiations with H.E. on the outstanding questions affecting the States and to make it possible for the Princes to make their full contribution at this juncture towards the advancement of the country and the progress of their peoples;

(*b*) that H.H. the President may be authorised to inform H.E. the Crown Representative that the Princes of the Standing Committee assembled at Bombay have decided to withdraw their resignations;

(*c*) that H.H. the President may address such members of the Standing Committee as are not present at this meeting, informing them of the aforesaid decision and requesting them to withdraw their resignations;

(*d*) that a resolution may be moved at the next Session of the Chamber of Princes regularising the withdrawal of the resignations.

This decision was later discussed and accepted unanimously by the nineteen Members of the Standing Committee who were present in Bombay (list attached).[4] They all signed the letter withdrawing the resignations which has been forwarded to the Secretary to the Chamber of Princes. The Members of the Standing Committee who were not present in Bombay have been advised by me on behalf of the Special Committee of Princes to withdraw their resignations.

3. Sub-para. (*d*) of the Resolution of the Special Committee quoted above recommends that a Resolution may be moved at the next Session of the Chamber of Princes regularising the withdrawal of resignations. This is based on the advice of our Legal Advisers that it would be in accordance with the spirit of the Constitution to secure ratification of the Chamber to this effect that, notwithstanding anything contained in the Constitution, the office-bearers who were in office prior to their resignations last December shall continue to hold their respective offices as if they had not been vacated by the aforesaid resignations.

4. The Committee had a free and frank discussion and inter alia considered the suggestion (made at the meeting) that, as the Standing Committee was not likely to meet for a couple of months or so, it might be advisable to postpone the withdrawal of resignations at least till the result of further discussions in

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regard to the outstanding issues was available. The Committee, after discussion, reached the unanimous conclusion that they should place their full reliance on the assurances contained in Your Excellency's letter of the 25th June, 1945, and forthwith consent to withdraw their resignations. This point of view was accordingly accepted.

5. It was my privilege to place before the Committee an expression of gratitude to Your Excellency for the kindness and consideration with which you discussed the whole position at our meeting on the 20th June, 1945. The Committee desired me to convey their thanks to you for the consideration shown and for the assurances contained in your letter of the 25th June, 1945.

6. The Committee welcome Your Excellency's assurance that you understand and appreciate Princes' anxiety about the future, and are prepared to do what you can to remove it, and that it is particularly important that misunderstandings should now be avoided when the States have helped and were helping whole-heartedly in the war effort. The Committee fully share Your Excellency's desire and are prepared to give every possible assistance to that end. They feel confident that, with your farsight and sympathy, further discussions will help to remove the present misgivings and will lead to an early and satisfactory settlement of the outstanding issues.

7. Your Excellency has indicated in your letter the possibility of arranging an early meeting perhaps in August. That would suit the Committee and, subject to Your Excellency's convenience, I shall be grateful if you will kindly indicate some dates towards the end of August when further discussions may be resumed.

8. I would suggest that, as was done last September, Your Excellency may receive a small Delegation of Princes first in regard to the question of Joint Services and later another Delegation in regard to other matters. I will, of course, accompany both these Delegations and would be at Your Excellency's disposal for a preliminary talk at your convenience a week or so before the Delegations meet you.

Yours sincerely,
HAMIDULLAH

[2] See Enclosure II to No. 538. [3] No. 539.

[4] The attached list named the 19 Members as the Rulers of Bhopal, Nawanagar, Gwalior, Patiala, Bikaner, Dholpur, Cutch, Kotah, Rewa, Dewas, Dungarpur, Rampur, Sachin, Porbandar, Mayurbhanj, Maihar, Akalkot, Kurwai, and Seraikela.

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Field Marshal Viscount Wavell to Mr Amery

L/P&J/8/524: ff 22–4

SIMLA, *15 July 1945*

I enclose a note on the Simla Conference which you may think worth circulating to your colleagues.[1]

Enclosure to No. 618

SECRET

SIMLA CONFERENCE

A short account of the reception in India of the proposals of His Majesty's Government, and of the Simla Conference may interest the India Committee.

2. The first persons to be informed of the proposals after my return were the Members of my Executive Council. Those of my Indian Colleagues who had remained in India during my absence had been through a trying session of the Legislature and had been subjected both in the lobbies and in the Congress Press to constant ridicule about their impending removal. They were excited and irritable, and received support from the Defence Member, Firoz Khan Noon, who returned a day or two before myself and I think gave a very tendentious and inaccurate account of what had happened in London. I was confronted with a general condemnation of the proposals[2] and with a memorandum signed by seven of the nine Indian Members present (all except Usman and Roy) demanding, among other things, immediate Dominion Status. The main features of the proposals, the memorandum by the seven Members, and the proceedings of two stormy Council meetings were disclosed to the Press by some of the Members.

3. This was an unpromising start, but the seven Members had misjudged both public opinion and the strength of their own position. All of them had taken office on the express understanding that they might at any time be asked to make way for Party Members in a reconstituted Council. They failed to excite opposition to the proposals or sympathy with themselves; on the contrary, their public disagreement with me and disregard for the oath of secrecy exposed them to further ridicule as a collection of irresponsible placemen. Their demonstration probably improved the chances of success, but it underlined one of the probable consequences of failure—the extreme difficulty of carrying on with the Members who were in office when the proposals were made. (They have all since given lip-service to the proposals, and withdrawn

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their opposition; but with the majority of them this has simply been the trimming of their sails to the prevailing wind.)

4. The statement in Parliament[3] and my broadcast on 14th June[4] were well received on the whole. It was soon clear that most educated Indians were in favour of the proposals being accepted. The offer of the portfolio of External Affairs to an Indian Member was well received. I do not think that the proposal for a High Commissioner was really understood or had much effect. The main dissentients to the proposals as a whole were, I think, the more extreme members of the Mahasabha who objected strongly to parity within the proposed Executive Council between Caste Hindus and Muslims; and some of the landed and propertied classes who had been content in the past to lean on "Government" and had made no attempt to establish themselves in politics. Such people always have a grievance if any political advance is proposed. Khizar, who in his heart of hearts desires no change, characterised the offer to me as "so liberal that it made many of us shudder".

I am less sure about official opinion, which is still of great importance in India. I think most of the Indian, and a good many of the British, officials were in favour; but there was some uneasiness, and in the Punjab, where conditions are special, much criticism. It is of course easy to demolish any political proposals on the ground that they are addressed to politicians, who have hindered, or at least not helped, the war effort, rather than to the faithful supporters of Government. On the other hand, no official critic suggested any other practicable plan. All would probably admit that a change must come some time, but some think it should be postponed as long as possible.

5. The leaders were more difficult than the general public. Gandhi, stimulated, I think, by Patel, complained[5] that we had for the first time distinguished between "caste" and other Hindus. He hinted at what was to be the main argument of the Congress at the Conference—that the Congress is a national and not a communal party. He thought the proposals were far from clear about India's independence. He assured me that he could not possibly attend the conference in any representative capacity, as he is not even a 4-anna member of the Congress. I was able to satisfy these preliminary doubts without giving anything away, and it was finally agreed that Azad should lead for the Congress, while Gandhi would stay in Simla for the conference but would not attend it himself. Jinnah kept an eye on my correspondence with Gandhi, which was published in the Press day by day. He neither accepted nor refused

[1] Lord Wavell's note was subsequently circulated to the Cabinet by Lord Pethick-Lawrence under the reference C.P. (45) 97 of 8 August 1945. The only amendment was the substitution of 'Cabinet' for 'India Committee' in the first sentence.

[2] See Nos. 479, 481, and 490. [3] No. 507. [4] No. 508.

[5] See Nos. 510, 513, 521, and 525.

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my invitation, and until the conference began I was not sure whether he and the other Muslim League representatives would attend or not.

6. The conference opened on 25th June with a full attendance.[6] The general discussion disclosed a good deal of suspicion and animosity between Jinnah and Azad. I was able at a fairly early stage in the proceedings to concentrate discussion on the general acceptability of the principles of the proposals, making it clear that eventual success would depend upon subsequent agreement between the parties as to the strength and composition of the new Executive Council. Rather to my surprise, the proposals were accepted in principle unanimously after a very short discussion. The Congress may have had certain mental reservations, e.g., in his opening statement Azad had referred to some guarantee about the future of the areas now under Japanese occupation as a condition to wholehearted support for the war effort. But when the conference came to take its decision on the proposals, no reservations of any kind were made. We then adjourned to enable the parties to consider privately the strength and composition of the new Executive Council. There was a short discussion between Jinnah and Pant, the Congress ex-Premier of the United Provinces,[7] which led to nothing, and it was soon evident that the Congress and the Muslim League were unable to come to an agreement. Jinnah, I understand, refused to meet Azad, a refusal which naturally embittered the latter. When the conference met on 29th June, it was clear that unless I intervened it would break down.[8] Having ascertained formally that the parties were unable to agree and that there was no hope of agreement, I suggested that we should abandon the attempt to find an arithmetical formula for the composition of the Council, and that they should all submit lists of names to me. I would consider these lists and additional names of my own, and see if I could produce an Executive Council acceptable to everybody. The parties wanted a week in which to consult their respective Working Committees, and I had to allow myself a further week for correspondence with the Secretary of State and consultations with the leaders. I therefore adjourned the conference to 14th July.

7. During this long adjournment there were, so far as I know, no further contacts between the Congress and the Muslim League. Azad was determined to secure the inclusion in the new Council of Congress or Nationalist Muslims. In this he had the support of his Hindu colleagues; and the Congress as a whole was anxious that its representation in the new Council should be spread as far as possible over all communities. Azad summoned to Simla the leaders of various Nationalist Muslim organisations who are much disliked by the Muslim League, and it was, I think, generally known that he was attempting to consolidate all the minor parties with the Congress against the League. He certainly initiated discussions with the Sikhs and probably with the Scheduled Castes also.

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On the Muslim League side Jinnah was under great pressure from his Premiers. I understand that the ex-Premier of Bengal and the Premiers of Assam and Sind told him that they could hardly return to their Provinces empty-handed, and that the party organisation in the Provinces was not capable of undertaking any serious political conflict. Nawabzada Liaquat Ali Khan is also believed to have been anxious to take office. On the other hand, Azad's manœuvres, supported by indiscreet reports and comments in the Hindu Press, probably strengthened Jinnah's own view and that of many of his followers that it would be unsafe for the Muslim League to enter the new Executive Council except on its own terms.

The Sikhs and Scheduled Castes were in no great difficulty. But Khizar Hyat Khan, the Premier of the Punjab, was determined that if the League took office, a non-League Muslim from the Punjab must be included in the Executive Council. This was a further complication for Jinnah. His immediate aim was to ensure the exclusion of Congress or Nationalist Muslims, but he was almost equally concerned to secure the exclusion of any Muslim friendly to the Punjab Unionist Party.

8. In the upshot, all[9] parties except the Muslim League submitted their lists. On 7th July[10] Jinnah wrote to me suggesting a confidential discussion of his names; stating that his Working Committee would not co-operate unless all the Muslim Members were nominated by the Muslim League; and adding that once the composition of the new Council was determined, he would have to ask for special safeguards for the Muslims in its day-to-day working. I had a long interview with Jinnah on 8th July,[11] but failed to move him at all. I then made my selections for the Executive Council without his assistance, including four members of the Muslim League and one non-League Muslim from the Punjab who was unlikely to be particularly offensive to the League. I telegraphed my selections to London,[12] and on receipt of authority from the Cabinet[13] I saw Jinnah again on 11th July.[14] He then flatly refused to co-operate unless he received a categorical assurance that all the Muslim Members would be drawn from the League and that, once the Council was formed, decisions to which the Muslims objected would be taken only on a vote of a specified majority—say two-thirds. I could not accept either of these conditions. The second in particular, which was now raised formally for the first time, would have made the working of Council almost impossible. The right of communal veto, if granted to the Muslims, must also have been granted to the Hindus; and the Sikh and Scheduled Caste Members would have put

[6] See No. 537. [7] See No. 542. [8] See No. 547.

[9] [Note in original:] I do not include the European Group, which for obvious reasons, decided not to send in a list.

[10] No. 573. [11] See No. 574. [12] See No. 582. [13] See No. 587. [14] See No. 589.

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forward similar claims. I told Jinnah I could not agree, and it was then clear that the conference had failed.

9. On 14th July I made a short statement to the conference.[15] I reviewed the proceedings, explained how the failure had occurred, and said that I must take time to consider what should be done. Azad spoke temperately, but laid the blame for the failure on the Muslim League, and suggested that the only possible solution was a firm decision between the parties and communities by His Majesty's Government who could not divest themselves of responsibility. Rajagopalachari followed suit, and said he thought a further attempt to form an interim Executive Council on a territorial or administrative, rather than on a communal, basis, might succeed. Jinnah made a long statement, bringing out the Muslim fear of Congress intrigue and Congress propaganda. He pitched the League claims higher than ever, demanding the acceptance of Pakistan and a right of communal veto within the Executive Council as the price of League co-operation in any provisional arrangement. He insisted that all Muslim Members must be nominated by the League, and at one stage in his argument seemed to demand equality within the Council between the Muslims and all other communities taken together. The other speeches were unimportant. Tara Singh pointed out that the Sikhs would not agree to Pakistan unless they were given a separate Sikh state of their own, and Siva Raj claimed the status of a separate major community for the Scheduled Castes. When all the leaders had had their say the proceedings ended. They were less heated than I expected.

10. During the conference I had talks with Jinnah,[16] Gandhi,[17] Azad (accompanied by Pant),[18] and Nehru.[19] Gandhi, in spite of his great influence and sensitiveness to public opinion, is not capable of securing a communal settlement. I doubt if he or his Working Committee could ever think in terms of genuine co-operation with the Muslims—other than those who are members of the Congress organisation. The Congress list was carefully drawn up to ensure Congress domination in the new Council. The names, or most of them, were published in the Hindu newspapers with laudatory comments on the broad-mindedness of the party.

Jinnah is narrow and arrogant, and is actuated mainly by fear and distrust of the Congress. Like Gandhi he is constitutionally incapable of friendly co-operation with the other party.

Azad is an old-fashioned scholar with pleasant manners, but I doubt if he contributes very much to Congress policy. His main object is to get even with Jinnah and the League Muslims who despise him as a paid servant of the Congress.

Nehru is an idealist, and I should say straight and honest. His conversation with me was largely taken up with India's problems and grievances, and his

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views were reasonable. He has been much moved by the stories he has heard of the suppression of the 1942 disturbances, and it was on this subject alone that he showed heat during his conversation with me. Having devoted most of his life to agitation, he is probably not very practical, but he would be more likely to make friends with the Muslims than the other Hindu leaders I have seen. I had another talk with him after the conference was over, and asked him to use his influence to improve the relations between the two communities.

It is significant that none of the leaders who really count in the main communities has held high office. There are therefore many misconceptions about the working of the Executive Council and of the Government machine generally which it is almost impossible to remove.

11. The immediate cause of the failure of the conference was Jinnah's intransigence about Muslim representation and Muslim safeguards. The deeper cause was the real distrust of the Muslims, other than Nationalist Muslims, for the Congress and the Hindus. Their fear that the Congress, by parading its national character and using Muslim dummies will permeate the entire administration of any united India is real, and cannot be dismissed as an obsession of Jinnah and his immediate entourage.

12. The failure of any political move narrows the field for future negotiations, and now that Jinnah has rejected a move within the present Constitution based on parity between the Caste Hindus and the Muslims, it is not clear what he would be prepared to accept short of Pakistan. My view that any discussion which involves an immediate decision on the Pakistan issue (e.g., an academic discussion of the future constitution) must at present fail has, I think, proved correct. The recent proposals were rejected not on their merits, but as soon as the discussion reached a point at which the Muslims felt obliged to raise a communal principle. Gandhi's final comment to me at the interview when I told him of the failure was that His Majesty's Government would have to decide sooner or later whether to come down on the side of Hindu or Muslim, of Congress or League, since they could never reconcile them. A discouraging comment but true under present leadership.

[15] See Nos. 600 and 604. [16] See Nos. 536, 544, 574, and 589. [17] See Nos. 536 and 589.
[18] See Nos. 536 and 601. [19] See Nos. 562 and 607.

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619

Mr Amery to Field Marshal Viscount Wavell[1]

Telegram, L/P&J/8/522: f 17

IMMEDIATE INDIA OFFICE, *16 July 1945, 10 pm*
TOP SECRET

15958. Superintendent Series. My immediately following telegram contains extract from *Times'* correspondent's report of Azad's statement to Press on breakdown of Conference.

2. Your telegram 129-S.C.[2] of 25 June reported that Azad had raised with you before Conference question of treatment of areas to be liberated and of position of Indian Army and that you had given him reassuring reply. Gandhi had also accepted your warning that issue of States fell outside field of Conference.

3. Your telegram 140-S.C.[3] of 25 June said that Azad at first meeting of Conference had touched again on questions (*inter alia*) of Army, treatment of S.E. Asia, and States, and gave your replies, which he does not seem to have contested.

4. Contention now put forward that he had entered Conference only subject to satisfactory assurances from you of the nature described in *The Times* would of course seriously qualify the essential condition that members of the new Government if formed must give adequate assurances of their unqualified support for carrying through the war, and, apart from possible criticism here, there may be great trouble in store for us if political India is left under the impression that Azad from the beginning made these stipulations and that you had accepted them.

5. We would be glad if you could give us your own comments on *The Times* report. You will realise the importance we attach in the circumstances to avoiding any misapprehension.

[1] The draft of this telegram was sent to Mr Amery by Lord Simon who stated that he found Maulana Azad's account disturbing and that Sir J. Anderson agreed with him. Lord Simon added that since there was no Cabinet until 18 July Sir J. Anderson said he would authorise such a message at once. Mr Amery replied on 17 July saying that he quite agreed with the draft telegram which had been despatched with two small verbal additions. L/PO/6/108d: ff 22–3.

[2] No. 536. [3] No. 537.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: f 18

IMMEDIATE INDIA OFFICE, *16 July 1945, 11.20 pm*
CONFIDENTIAL
15959. Following is extract from *Times*:—

Begins. Dr. Azad added some interesting information about the points he had raised with the Viceroy before advising the Congress Party to take part in the Conference. From this it appears that Congress, although agreed that India under the proposed new Government should continue in the war against Japan, were not willing that a single penny should be spared from the Indian Exchequer or that a single Indian sepoy should be used to restore the countries of south-east Asia to their former Imperialist owners. That applied, he added, to the Dutch as well as other Governments.

Dr. Azad claimed also to have brought up with the Viceroy the character of the Indian Army, which Congress at present regarded as something divorced from the Indian people. What specific changes he wanted were not stated. Another point related to the affairs of the Indian States. Here the Congress position was that, although the States were in direct relationship with the representative of the Crown and not the Government of India, the new Government should have the right to discuss, deliberate and decide on such of the States' affairs as commerce, labour and industries, which were of interest also to British India. On these and other points raised with the Viceroy, Dr. Azad said he had received replies which could be regarded as satisfactory. *Ends.*

621

Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET VICEREGAL LODGE, SIMLA, *16 July 1945*
No. 27
My last letter, of 9th July,[1] was addressed to Scarbrough in reply to one from him. I expect I shall have a letter from you by the next bag, now that you have settled down again and are awaiting the results of the election.

[1] No. 583.

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2. I hope to send you by this bag a memorandum on the Conference,[2] which you may think worth circulating to the India Committee. This memorandum, my telegrams, and the confidential notes, the last of which will also go by this bag, should give you a fairly complete record of events. I had a final interview with Nehru on the afternoon of 14th July[3] after the Conference had ended, and told him I thought that Jinnah's influence and obstinacy were due to a genuine fear among the ordinary Muslims of the Congress and its propaganda. Nehru said he thought the Muslims had not really been ill-treated by the Congress Governments during the years 1937—39, but he admitted that some of the Congress Hindus were anti-Muslim, and that the psychological factors were important. He said that the Congress was at least an attempt at a nationalist organisation of a modern kind, while the Muslim League stood for an almost mediæval conception of communal interest. Nehru was friendly, but had no constructive suggestions to make.

3. I now have to consider the future, which will be by no means easy. I have asked the eleven Governors to meet me at Delhi on 1st and 2nd August, and I do not think I shall make any definite recommendations before I have discussed the situation, both at the Centre and in the Provinces, with them. I considered getting their advice by letter, but I am sure I shall get better results from a meeting. Individually, the Governors tend to take a rather narrow provincial view, and their collective opinion is likely to be a good deal more useful.

4. I have no definite indication yet of the line my Indian colleagues are going to take. I think they are awaiting the return of Mudaliar, who is usually expected to take the lead. I am told they are still most uneasy, and more inclined to dwell on their grievances against me than to regret their own irresponsible conduct when they were informed of the political proposals. I doubt if I can carry on with the present team, and it would be difficult, and perhaps impossible, to form a political Executive Council without the League. I shall probably recommend a reconstruction with fewer Members, and with efficiency and not political appeal as the main object. This will enable me to tackle the departments, whose growing ineffectiveness is causing me some concern. A good many officials are holding senior appointments who would not, in peace time, have been considered fit for them, and if I can effect a more rational distribution of work to the portfolios of Members, I may, before the Council changes are made, be able to get the official organisation into better shape. Rowlands, who has just returned, will be able to help me with all this.

5. I have informed you by telegram[4] that Bhopal appears to have secured the withdrawal of the resignations of the members of the Standing Committee of the Chamber of Princes, so we may expect that our relations with the Chamber will return to normal very shortly. I have undertaken to receive

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some of the Princes fairly soon, and I suppose we shall cover the old ground over again. But Bhopal was anxious to tell his colleagues that I was prepared to give the Princes a further hearing, and I clearly could not refuse to do so.

The visit of five industrialists from the Indian States to the U.K. and possibly to the U.S.A. seems likely to take place very soon, and I have telegraphed asking your agreement to one or two Advisers or Secretaries travelling with the party. Bhopal's idea is probably to provide for Maqbool Mahmood, who is still popular with the Princes, and, according to Press reports, is being promoted from the post of Secretary to the Chancellor to a new post of Director of the Chancellor's Secretariat.

A recent report from the Resident that the Nizam had been seriously ill with dysentery reminded me of the possible complications of his death. There is a long list of changes and reforms which might be introduced on the accession of a new ruler, but the most urgent matter will be to secure the treasure and personal possessions of His Exalted Highness, to which, in the absence of a proper guard and the taking of a regular inventory, all sorts of people would certainly help themselves. My Political Department has this matter in hand and will make sure that if the Nizam dies suddenly, there is no confusion.

6. You will have seen the telegrams[5] exchanged by Clow and myself about Saadulla's position in Assam. I am not sure how he stands, but it seems that he could be turned out of office at any time by Bardoloi, the local Congress leader. Saadulla's absence at the Simla Conference must have been embarrassing to Clow, but it could not be helped.

Otherwise I have little to report about Provincial politics. Jinnah's rejection of the proposals has given fresh life to Fazlul Huq in Bengal, and I think he may try to form an anti-League Muslim party at the next Provincial elections. But he is so discredited that I doubt if he would have much success.

I asked Khan Sahib to see me a few days ago as I had not met him before. He talked to me sensibly about the food and cloth controls, and also expressed the view that Tribal affairs should be under the Provincial Ministry rather than under the External Affairs Department and the Governor. Cunningham thinks Khan Sahib straight and on the whole efficient, and evidently prefers him very much to Aurangzeb.

I have seen Khizar several times. I still think he missed a considerable opportunity of acting as a mediator between the Congress and the League during the Conference. But he preferred to remain in the background, and he certainly did his best not to embarrass me, and made no obvious mistakes. Whether the Unionist Muslims would beat the League candidates in an election in the Punjab now I cannot say. Jinnah's figures for the results of by-elections

[2] No. 618. [3] No. 607. [4] 200-S.C. of 12 July. L/PO/10/25. See also No. 617.
[5] L/P&J/8/646.

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in the Punjab are misleading, as most of them were fought on a combined League-Unionist platform, and it is impossible to tell whether the successful candidates were really League members or Unionists. I think Khizar was glad that the Conference failed, but he was very friendly to me throughout.

7. I have had a formal assurance from Lindsell, writing on behalf of the Commander-in-Chief, that there will be the closest co-operation here between the War Department, the Food Department, and the War Transport Department over the reception and handling of cargoes of wheat. Lindsell says that the difficulties will be confined to August and September when the congestion at the ports will be greatest. There can of course be no guarantee that unforeseen military demands will not be made, but he seems confident that we shall be able to manage. I understand from Benthall that the congestion at Bombay is already considerable, and that he is discussing the situation further with the planners at General Headquarters.

[Para. 8, on a possible script for a film Mr J. A. Rank was making on India; and para. 9, on the Bhakra Dam, omitted.]

10. We have exchanged private telegrams[6] about the appointment of the U.K. High Commissioner in India. I agree that there will be considerable difficulty in defining his functions and his relations with the Government of India. I do not know how those things are managed in the Dominions, but I think it should be possible to sort out the matters—mainly economic—on which the home departments would not ordinarily press you to give orders to the Government of India, and deal with them through the High Commissioner. The position would have been different if the political proposals had been accepted, as the Government of India would then probably have taken a much more independent line, and the High Commissioner's functions, however His Majesty's Government might define them in the first instance, would have been settled by the practical needs of the situation. With no change in the Executive Council we should be able to settle them on an empirical basis.

[Para. 11, on tightening up arrangements for the granting of priority air passages; and para. 12, on the representation of Indians on the Burma Executive Council, omitted.]

13. This letter has been written in Simla; it will be posted in Delhi, where I return on 16th July.

I am very grateful for your official and private messages[7] about the Conference. I hope you are getting some rest after your very difficult time in Sparkbrook, and that the results will be wholly successful.

[6] Nos. 578 and 594. [7] Nos. 605 and 606.

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622

Sir F. Mudie to Sir E. Jenkins

MSS. EUR. F. 164/10

TOP SECRET NEW DELHI, *16–17 July 1945*

My dear Jenkins,

I enclose a note on Hindu-Muslim relations as they appeared to me during the recent Conference.

Yours sincerely,
R. F. MUDIE

Enclosure to No. 622

The account of the attitude of the League to the Simla Conference given in this note is based on conversations with Chaudhri Khaliq-ul-Zaman and Sir Nazimuddin.

2. The Working Committee fully supported Jinnah in his stand on the right of the League to nominate all Muslim members of Council. They resented Azad's attempt to bring pressure to bear on the Congress Working Committee by sending for Husain Ahmad Madani and other Nationalist Muslims to Simla.

3. Jinnah himself was very much in earnest over his demand that proposals affecting Muslims should not be put into effect unless passed by a two-thirds majority but Nazimuddin did not think that his Working Committee would have let him break the Conference on that, if that point had really arisen. Nazimuddin pointed out that any such provision would make ordinary administration impossible.

4. Both were of opinion that Jinnah wanted [? to get] out of the whole thing. Quite apart from the question of his right to nominate, he was afraid that if the League came into a Central Government they might have to take action that would prejudice their Pakistan demand. Nazimuddin disagreed on the ground that they would have control of five portfolios in which at least they could oppose the present tendency to centralisation. Jinnah probably felt too that even by entering a Central Government he would prejudice Pakistan.

5. The League were obviously frightened, too, by the eagerness shown by the Congress to take power. After commenting on how the Congress had thrown over their previous principles, Khaliq said to me "There are no lengths to which they will not go to destroy the Muslims". Every time the Congress proclaimed that the Viceroy's veto was harmless and could not be exercised in practice they frightened the League even more. This I consider to be the real cause of Jinnah's attitude.

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6. Everyone that I have spoken to has been surprised at the eagerness on behalf of the Congress. After H.E.'s broadcast both Gandhi and Patel looked as if they were to cause trouble over minor debating points. Then there was a sudden change, due, I think, to the influence of Nehru. He described the situation in India as similar to "the situation in Europe where resistance groups have been held underground until only recently". On this analogy he went straight for power without bothering about anything else, as has been done by the leaders of resistance movements in Europe. The Muslims on the other hand had opposed the rebellion. In fact, their attitude probably saved the situation. In Nehru's eyes they probably appear as collaborators entitled to no mercy.

7. August 1942 made it clear that we have in this country two very different communities, or to use Jinnah's words, nations, struggling for power, not two parties competing for office. From this point of view the real offence of the British in Congress eyes is that they stand in the way of the Hindus, led by the Congress, imposing their rule over the whole of India. The present struggle is only a part of the Hindu counter-attack which, starting with the death of Aurangzeb or perhaps the last battle of Panipat, was interrupted by the British conquest and will be renewed when we go.[1]

[1] On 18 July Sir E. Jenkins thanked Sir F. Mudie for his letter and note and said that they had been shown to Lord Wavell. MSS. EUR. F. 164/10.

623

Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: ff 38–9

IMMEDIATE NEW DELHI, *18 July 1945, 12.15 pm*
SECRET *Received: 18 July, 9.5 am*

No. 1154-S. Superintendent Series. Your telegram No. 15958[1] of 16th July. For correct version of demands made and my replies see my No. 140-S.C.[2] of 25th June and Confidential Note No. 2[3] of same date of which copy has presumably reached you by now. Azad did not repeat not question my replies. At next meeting, for which see my No. 141-S.C.[4] of 26th June and Confidential Note No. 3[5] of same date, acceptance of His Majesty's Government's proposals subject to party agreement on strength and composition of Executive Council was complete and unconditional.

2. I cannot comment on accuracy or otherwise of *Times* report, and do not repeat not wish to enter into controversy with Azad and other leaders about their statements to the Press. I have considered issue of Press Note saying that

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statements made by leaders are not authoritative or binding on His Majesty's Government, but bald comment of this kind could have little effect. Alternatives are to say nothing, or to write personally to Azad and if necessary other leaders. I prefer first alternative, unless statement is repeated and detailed contradiction is unavoidable, in which case I would write to Azad. But you will appreciate that once correspondence begins I shall be forced to argue every point in public, which is undesirable.

[1] No. 619. [2] No. 537. [3] L/P&J/8/524: ff 268–72; see Appendix to No. 624.
[4] No. 540. [5] L/P&J/8/524: ff 273–6.

624

Cabinet Paper C.P. (45) 84

L/P&J/8/522: ff 5–6

Congress President's Statements to the Press

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *18 July 1945*

I circulate the Viceroy's reply[1] to telegram 15958.[2]

Notes Nos. 2 and 3 to which the Viceroy refers are records of the meetings of the Simla Conference. I append relevant extracts from Note 2.[3] Note 3 does not add anything on the points in question to what has already been reported by telegrams 141[4] and 142–S.C.[5] of 27th June, namely that the Conference accepted without reservation that the proposed Council must be publicly committed to the three tasks set out in the Viceroy's broadcast, the first of which is the prosecution of the war against Japan.

I agree with the Viceroy that it would be best not to enter into controversy unless the statements made are repeated.

L. S. A.

Appendix to No. 624

EXTRACT FROM NOTE 2 RECORDING PROCEEDINGS OF THE SIMLA CONFERENCE

Azad, who spoke for the Congress, covered much the same ground as he had covered at his interview with the Viceroy on 24th June.[6] He said—

* * * * * * *[7]

(5) that although Defence would remain under the Commander-in-Chief, the Indian Army must become a real national army;

[1] No. 623. [2] No. 619. [3] Relating to the proceedings of the Simla Conference on 25 June.
[4] No. 540; the date should be 26 June. [5] No. 541; the date should be 26 June.
[6] See No. 536. [7] Asterisks reproduced from Cabinet Paper.

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(6) that while the Congress would wholeheartedly support the war effort against Japan, they must be satisfied that the liberated countries in South East Asia would not remain in subjection; and
(7) that Congress were not clear about the relations between the Government of India and the Indian States if the Indian States were entirely a matter for the Crown Representative.

* * * * * * *[8]

The Viceroy said he was not quite clear on the Congress views about the Indian Army (Azad's point (5)). No Government could permit its army to take part in politics. The Indian Army had done splendidly during the war and had enhanced its own and India's reputation. He believed it to be a contented army and he thought the delegates did not realise what rapid progress had been made with Indianization during the war. He would certainly oppose any suggestion that the Indian Army should be brought into politics. On the other hand he wished it to be a truly national army efficient and contented.

The Viceroy explained that the future of the occupied territories in South East Asia (Azad's point (6)) was a matter in which several Governments were interested. The Government of India would be entitled to express any views they pleased, but could not expect to have the last word.

Azad (point 7) had referred to relations with the Indian States. The Viceroy explained that the Government of India are in close relations with the Indian States e.g. on commercial and economic matters. But unless a federal constitution embracing both British Indian Provinces and States were introduced, there could be no question of a Central Government exercising control over the States.

[8] Asterisks reproduced from Cabinet Paper.

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Cabinet C.M. (45) 15th Conclusions, Minute 6

R/30/1/5: ff 5–7

Those present at this Meeting held at 10 Downing Street, S.W.1, on 18 July 1945 at 3 pm were: Sir John Anderson (in the Chair), Mr Oliver Lyttelton, Mr R. A. Butler, Viscount Cranborne, Mr Amery, Colonel Oliver Stanley, Mr Harold Macmillan, the Earl of Rosebery, Mr R. S. Hudson

Also present during discussion of item 6 were: Viscount Simon, Brigadier-General Lord Croft, Miss Florence Horsbrugh

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INDIA

(Previous Reference: C.M. (45) 14th Conclusions, Minute 5)[1]

The Cabinet had before them a memorandum by the Secretary of State for India (C.P. (45) 84)[2] to which was attached correspondence with the Viceroy regarding certain statements alleged to have been made to the Press by Maulana Azad, President of the Congress on the conclusion of the Simla Conference.

The statements in question were to the effect that Azad, before entering the Conference, had discussed with the Viceroy the position of the Indian Army and the Indian States, that as regards the treatment of the areas to be liberated in South-East Asia he had made it clear that Congress, while agreed that India under the proposed new Government would continue the war against Japan, would contribute neither in men nor money to restoring these areas to their former imperialist owners; and that on all these matters he had received replies from the Viceroy which could be regarded as satisfactory.

These statements were not consistent with the reports that had been received from the Viceroy, and Lord Wavell, who had been asked for his comments on them, had now replied that while Azad had touched on these matters in conversation before the Conference and had specifically referred to them at the first meeting of the Conference, he (Lord Wavell) had replied in open Conference that he would oppose any suggestion that the Indian Army should become a political issue, and that the future of liberated countries in South-East Asia would be a matter for several Governments, though the Government of India would be perfectly entitled to express their views. He had added that the Governor-General in Council could have no political control over the Indian States, though matters of common concern to British India and the States were, of course, constantly discussed. These statements had not been contested by Mr. Azad. Lord Wavell added that unless Azad's statement to the Press was repeated and detailed contradiction was unavoidable, in which case he would write to Azad, he thought it better on the whole not to enter into controversy with him or other leaders about their statements to the Press. Once correspondence began he would be forced to argue every point in public, which was undesirable.

THE SECRETARY OF STATE FOR INDIA said that it was clear that Azad had grievously misrepresented what had passed between him and the Viceroy. Lord Wavell's reports showed that the Conference had accepted without reservation that any new Council must be committed to the principles which the Viceroy with the approval of the Cabinet had laid down with regard to the prosecution of the war against Japan, and that they equally accepted his statement about the disposal of territories in the Far East.

[1] No. 595. [2] No. 624.

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In discussion the following points were made—

(*a*) Azad's misrepresentation had been very deliberate and specific. It would almost certainly have received wide publicity in the Congress Press and, failing a *démenti* now, it might be used to embarrass us if, at a later stage, Congress wished to justify a refusal to co-operate in the war against Japan.

(*b*) It was suggested, on the other hand, that while Azad's statement showed clearly his dangerous and slippery character, and would be a warning to us in any future dealings with him, and while there was a risk that his statement might lead to misunderstandings, a formal denial might lead to a long and unedifying exchange of letters, and might also give Azad the chance he wanted to indulge in further misleading statements.

After discussion THE CHANCELLOR OF THE EXCHEQUER said that he thought the general sense of the Cabinet was that the balance of advantage rested with accepting the Viceroy's view that unless there was a repetition of these statements, in which case the Viceroy was prepared to write to Azad, it would be best to leave things as they were. Lord Wavell's reply to Azad in the Conference had not been contested and covered the ground. The Viceroy might well be advised to communicate confidentially the authoritative record of the proceedings to those concerned on the basis that they would like to have this authoritative record of what had passed. If this were done we should be better placed to deal with Azad if at a later stage he repeated unfounded suggestions such as those now under consideration.

"X"

The Cabinet—

Endorsed the suggestion of the Chancellor of the Exchequer at "X" and invited the Secretary of State for India to communicate with the Viceroy on these lines.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/P&J/8/522: f 11

IMMEDIATE INDIA OFFICE, *19 July 1945, 7 pm*

SECRET

16194. Superintendent Series. Your telegram 1154-S[1] of 18th July. We accept your view that unless Azad or other Congress leaders repeat these misleading statements it would be best to leave things as they are. If there is repetition, however, we feel that it would be desirable for you to write to Azad as you propose. We suggest however that it would be desirable to communicate

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confidentially now to those who were present at the conference the record of the proceedings on the basis that they would no doubt like to have this authoritative record of what had passed. If this were done we should be in a better position to deal with Azad if at a later stage he or other Congress leaders repeat unfounded suggestions of the kind in question.

[1] No. 623.

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Field Marshal Viscount Wavell to H.M. King George VI (Extract)

Wavell Papers. Private Correspondence: H.M. The King, pp. 74–80

THE VICEROY'S HOUSE, NEW DELHI, *19 July 1945*

Your Majesty,

I think Your Majesty will like to have some account of the Simla Conference, which has just ended. I was very grateful for Your Majesty's gracious message of good wishes,[1] which Lascelles sent me; I am afraid that it arrived on the day that the Conference had broken down.

* * *

3. As soon as I got back to Delhi, I called a meeting of my Executive Council and disclosed the proposals of Your Majesty's Government to them. They did not take them well. During the long time I had been in England they had been subjected to continual taunts about their approaching dismissal, from the members of the Legislative Assembly, and had had a difficult time. Seven out of the nine Indian Members on the Council sent me in a written protest,[2] and demanded the grant of Dominion Status forthwith (When I asked them what exactly they meant by Dominion Status and did they contemplate two dominions—Hindustan and Pakistan—or one, they had no reply). Their protest was, in fact, an ill-advised and hasty one. Some of them too, I regret to say, in disregard of their oaths of secrecy, disclosed to the Press the proceedings of the Council meeting and their protest. The clever cartoonist with the *Hindustan Times* made it the subject of quite an amusing cartoon called "Mutiny on the Bounty" which Your Majesty may care to see.

Rather to the surprise of the recalcitrant Members, the proposals had quite a good press and their protest a bad one; they were accused by the nationalist Press of being concerned only to hold on to their jobs. Finding they had misjudged public opinion, they all came back one by one and withdrew their opposition, and gave the proposals at least lip service; I should have respected

[1] Dated 2 July 1945. Wavell Papers, Private Correspondence: H.M. The King, pp. 72–3.
[2] See No. 479.

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them more if they had stuck to their guns. Some of them I think genuinely disliked the idea of any parley with Congress, but I am afraid most of them had personal rather than patriotic motives.

4. After a certain amount of preliminary telegraphic skirmishing with Gandhi and Jinnah, I managed to get the Conference assembled at Simla on June 25th. Your Majesty may care to have thumbnail sketches of those attending.

The Congress members sat on my left, led by Maulana Azad, the President of the Congress. He is one of the few Congress Muslims of any distinction, an elderly scholar, with good manners, but with no administrative experience and not much political wisdom; he bitterly resented the attitude of Jinnah who declined to meet him and treated him as a Muslim traitor in the pay of Congress. Azad understands English quite well, but will not speak it.

On Azad's left sat Pandit Pant, once Premier of the United Provinces, lately released from prison. He is a stout middle-aged man, quite pleasant in his manners, but with not much apparent ability; he translated for Azad.

On his left was Mr. Bhulabhai Desai, the Congress Leader in the Assembly. He is a very smooth-tongued, well spoken gentleman, a *bon viveur*, and easy to talk to; but he is a slippery customer, and I don't think even his own side trust him very far.

Beyond him was Mr. Motilal, the Congress Leader in the Council of State; he said very little, and does not count for much.

Next came Mr. Rajagopalachariar, the ex-Congress Premier of Madras. He is a Brahmin, very able, a good speaker, but with no great force of character, I think. He left the Congress Working Committee in 1942, and has always been on the side of compromise and settlement; but he commands little or no following.

Then came Mr. Kher, ex-Premier of Bombay, who was released from prison last year. He looks a shrewd, lively little man, with the air of a *gamin*, and an obvious sense of humour.

The next two, Mr. Sinha, ex-Premier of Bihar, and Pandit Shukla, ex-Premier of the Central Provinces, both heavy-looking unimpressive middle-aged men, hardly spoke at all, and I should think do not count for much.

The last of the Congress Party was the Premier of the North-West Frontier Province, Dr. Khan Sahib, a Pathan from the Peshawar District. He is definitely a man of considerable force of character and ability. I had a talk with him after the Conference was over, about the affairs of his Province, and found him sensible and rather attractive. During the Conference, he was obviously wanting to break a lance with Jinnah; once I stopped him before he got fairly under way, and once his own side did; otherwise we might have had some refreshingly direct comments on Jinnah and the League, which would not however have improved the harmony of the Conference.

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On my right was Jinnah and the League members. Jinnah is a very clever advocate from Bombay, a very bad Muslim as far as religion goes, but a man of considerable courage and obstinacy of character and quite incorruptible. In interviews outside the Conference[3] I had about five or six hours with him at various times, but we never really got on terms; I had the impression that he was continually trying to entrap me into some concession or admission that he could use. His manners are bad and aggressive, in contradistinction to those of all the others with whom I had to do.

Next to him sat his principal lieutenant, Nawabzada Liaqat Ali Khan, Deputy Leader of the Party in the Assembly. He is a big heavy man, reputed able, but I do not know him. I wanted to have a talk with him after the Conference to make his acquaintance, but Jinnah refused him permission to come.

Mr. Hussein Imam, the League Leader in the Council of State, sat beyond him; I should say that he had little ability or character.

Beyond him sat Sir Nazimuddin, the ex-Premier of Bengal, whom I have met many times and like well. He is very fat, and I don't think he has much force of character, but he is pleasant and straightforward and honest, at least for a Bengali politician.

Next to him was Hidayatullah, the Premier of Sind, an extremely astute but not very scrupulous politician (scruples and honesty are entirely out of place in Sind politics, I fancy). He came to dinner with us during the Conference, and is quite amusing company.

The last of the League Party was Saadulla, Premier of Assam (He rather looks like being the ex-Premier before long, as there is a serious political crisis in his Ministry just now). He is an able politician, I think the only clever man in the Assam Government, and is pleasant to meet.

In the centre were the leaders of the smaller parties.

Dr. Banerjea, the Leader of the so-called Nationalist Party in the Assembly, is an earnest uninspiring little man; he voiced the ultra-Hindu sentiment, and read out long and extremely dull statements whenever he got the chance, while the remainder of the Conference registered weariness in various ways.

Next to him was the Leader of the European Group, Sir Henry Richardson, a Calcutta merchant; he did not say much, but did his best to help the proposals both inside and outside the Conference.

Then came Malik Khizar Hayat Khan, the Premier of the Punjab. He was the most attractive character of the Indians present, a big Punjab landowner, a great gentleman, straightforward, and gradually acquiring political experience (He came to the front in politics on the death of the late Premier, Sikander Hayat Khan, more from a sense of duty than through inclination). He leads the Unionist Party which Jinnah is always attacking. Though he did not like the proposals, he did his best to help me.

[3] See Nos. 536, 544, 574 and 589.

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On his left was the Maharaja of Parlakimedi, ex-Premier of Orissa, who did not contribute much. He is a big landowner, whose real interest is racing, not politics. When he was Premier of Orissa, he spent more time on the race course in Bombay or on his estates, than he did on his political duties. When he came to see me during the Conference, he recited the needs and difficulties of Orissa in a melancholy unconvincing tone, obviously from a sense of duty; but when I mentioned the exploits of his race horse "Philanthropist", he became a different man and talked with animation for about a quarter of an hour on his breeding, performances, and future expectations. Then he suddenly remembered what he had come for and begged me not to forget the needs of Orissa.

Next to him sat Master Tara Singh, the Sikh representative, an elderly gentleman with a long white beard; an ex-schoolmaster. Like most Sikhs, he is not very clever, nor has he much political sense, but he is quite pleasant and well meaning. During the Conference I fancy he flirted in turn with the League, the Unionists, and the Congress; and I am not sure that the Congress did not win him over in the end; at any rate they included his name on their list in a kind of postscript.

The last member was Sivaraj, the Scheduled Caste representative. He is a nice but not very clever little man from Madras, who sits on my National Defence Council. He stressed the claims of the Scheduled Castes, with their 60 millions, and voiced their deep mistrust both of Congress and of League.

Such was the personnel of the Conference, not a very impressive lot on the whole, but typical of Indian politics.

5. At first all went quite reasonably well, and the Conference accepted the principles of the Offer with little difficulty, though I think Congress probably made some mental reservations. Then came the really difficult part, to determine the size and composition of the new Executive Council. I asked the two principal parties to discuss this between themselves and see whether they could arrive at any general agreement which I could then put to the other leaders. Jinnah refused to meet Azad, but had talks with Pant,[4] which were quite fruitless; and the Conference looked like breaking down at that point. I made a last effort[5] by asking the parties to send me panels of names of those whom they recommended to serve on the new Council; and I undertook to try and form a list, from the names sent to me and others of my own, and then see whether it would be generally acceptable. Jinnah refused to send in names unless I would accept his claim that all Muslims on the Council should be nominees of the League,[6] but all the other Indian parties sent me lists.[7] The Congress list was meant to emphasize their claim to represent the whole of India, and they sent me in 15 names, including 5 Muslims (one of them Mr. Jinnah), which would have given them complete predominance in the Council. I never had

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the least intention of accepting their proposals; and in my own provisional list included only four of their names (excluding Muslims).

My final bid was to summon Jinnah[8] and show him the five Muslim names on my list, four of the League and one Muslim landowner from the Punjab, whom Khizar had recommended but who had no strong party affiliations. Jinnah again absolutely refused even to discuss the names with me, unless I would accept not only his claim that all the names should come from the Muslim League, but also that any proposal in the Council to which the Muslims objected would only be put into force by a two-thirds or three-quarters majority. This last claim would have made government quite impossible; and I had already told him that his claim that the League represented all Muslims was untenable; so at this point it was no use proceeding further.

6. The root cause of the failure was Jinnah's intransigence and obstinacy. But it represents a real fear on the part of the Muslims, including those who do not support Jinnah, of Congress domination, which they regard as equivalent to a Hindu Raj. I think that Jinnah's attitude hardened during the Conference, probably owing to the obvious anxiety of the Congress to accept the Offer, and the arrogant and jubilant comments in the Congress Press. It shows more openly than ever before the great rift between Hindu and Muslim, which the events of the last few years have accentuated. It is a great pity from the Muslim point of view that they did not accept the Offer, as I think it was a fair one to them, and that I could have held the balance in Council and safeguarded their interests. But Jinnah obviously did not think so.

It would have been interesting to see whether Congress would have accepted my provisional list, if Jinnah had been prepared to do so. It would certainly have been quite a pill for Congress to swallow, for the list contained only four out-and-out Congress supporters, and a considerable number of my own nominations who might have been more or less neutral.

It will take a little time to see the consequences of the failure, there will certainly be considerable exacerbation of the communal feeling, and there are difficult times ahead. But I still feel that the effort was worth making, and that it had a reasonable chance of success.

I am collecting the Governors of Provinces together at the beginning of next month for discussion of the situation. We shall talk about the advisability or otherwise of holding elections, the release of political prisoners and other matters of law and order.

7. Outside the Conference I had two meetings with Gandhi,[9] two with Nehru,[10] one with Rajendra Prasad, and one with Dr. Khan Sahib. I found Gandhi quite pleasant to talk to, with a sense of humour and good manners,

[4] See No. 542. [5] See No. 547. [6] See No. 580. [7] See Nos. 572, 575 and 582.
[8] See No. 589. [9] See Nos. 536 and 589. [10] See Nos. 562 and 607.

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but I am quite sure he is an old humbug in many ways, and I should never trust him very far. Nehru was friendly, and is interesting and well read; he is sincere and courageous, but more of a doctrinaire and theorist than a practical politician. Rajendra Prasad, an ex-Premier of Bihar,[11] was quite pleasant, but does not strike me as being either particularly able or particularly strong. Dr. Khan Sahib, the Premier of the North-West Frontier Province, is obviously a man of considerable character and determination, I rather liked him.

[11] Rajendra Prasad came from Bihar but in fact was never its Premier.

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET

INDIA OFFICE, *19 July 1945*
Received: 23 July

I am afraid the good behaviour of the members of the conference is already giving way to some extent under the strain of wishing to make capital for their particular parties. Azad seems to have been particularly naughty with his talk of "not a single soldier or a single pie" for the further campaign in the East unless all these territories are "liberated". The matter came up in Cabinet yesterday[1] and we agreed that it was not worth while your starting a correspondence with him, unless indeed the matter is repeatedly referred to. On the other hand, it seemed to us a good thing that you should let all the members of the conference have confidentially the note of the proceedings, so that you could refer them to it if necessary. I am not sure now, on second thoughts, whether that would clash with your arrangements for the conference being held in such fashion as to commit nobody afterwards. If so, our suggestion may perhaps be inappropriate.

It is, I think.
W.

2. I had some talk with Mudaliar the other day. He did not dispute that what we did was the right thing to do, but was anxious to emphasise that the period of uncertainty while the thing was in the air was very detrimental to the authority of the existing Executive. I suggested that now that others had refused responsibility and no immediate change was in prospect, this might strengthen the position of the existing Executive *vis-à-vis* the public, and indeed it may be our only course to go on building up the authority of a selected Executive, so long as there is no possibility of political agreement. He suggested that

Why should it?
W.

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you might go ahead with the appointment of an Indian member for External Affairs and the consequent raising of the diplomatic status of India's envoys abroad. Naturally, I did not commit myself, but—provided always the Cabinet would agree—there is a good deal to be said for it, from the point of view of giving the Department a start in reliable hands. After all, India's external interests are essentially dominated by geography and would naturally be dealt with in consultation with His Majesty's Government very much as at present. For the rest, he expressed the modest hope that Finance might be Indianised when the present holder's term of office expires. This is certainly some way ahead, unless indeed the possibility of sending Rowlands to Bengal comes into the field. What he welcomed particularly warmly was the U.K. High Commissionership, as definitely marking an advance in India's status.

3. So far as San Francisco was concerned he spoke very highly of the staff which helped the Indian delegates, but thought that there might with advantage have been more of them, as there were so many committees and they were consequently overworked. Krishnamachari too seems to have thoroughly enjoyed the experience of San Francisco and spoke highly of Mudaliar's handling of his committee. I hope that the way in which our delegates put India on the map out there has been effectively publicised in India. After all, if we cannot get a political government, the alternative is to give to a selected government all the build-up we can through A.I.R., the Press, etc. I am not sure, indeed, that the Government ought not to run its own series of newspapers throughout India, quite frankly and unashamedly as Government papers supporting Government policy, but giving better news, better print and better pictures than any others.

4. You will remember how P. J. Grigg invariably denounced our proposals as merely likely to result in handing India over to a small gang of greedy industrialists. I have just been looking at the statement by Roy[2] on the breakdown of the negotiations, which makes the same point. There is, of course, some substance in it, but I do not see how India, with her present organisation and outlook, could really be developed in any other way than by giving considerable latitude to private industrial enterprise within the general framework of a national policy and subject to reasonable social legislation. There may be something to be said for an all-out totalitarian system based on a highly unified State run by a single party and supported by the fanaticism of revolution and

[1] No. 625.

[2] In this statement Mr M. N. Roy alleged that the Simla Conference had failed because H.M.G. and Lord Wavell had identified India with 'the Tatas and Birlas and their political agents'. Mr Roy outlined a six-point future programme including (*a*) the using of India's sterling balances as a lever for agricultural and industrial development on the basis of public ownership and control and not by placing them at the disposal of private industrialists and (*b*) preparations for the election of a constituent assembly by the entire adult population. L/P&J/8/513.

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the fear of the Ogpu. That method certainly does attain results. But whether it would be ideal for India or not, it clearly is impossible under Indian conditions, which are much more like those of the England of a hundred years ago than those of present day Russia. After all your big industrialist is animated in part by the desire for profits for the sake of living luxuriously, but much more by the desire to build up his own industrial position, for the sake of which he puts most of his profits back into the business, and, in some cases at least, by the belief that only through industrialisation can India prosper. That section of the Indian community seems to be the ablest and most enterprising and I cannot see anything very much wrong in enabling them to do for India today what men of the same type did for this country a hundred years ago or for America in the last 50 years, more especially as we now have social standards to enforce which the economic theories of 1840 believed to be misguided.

5. I imagine you will now have to face the question of agreeing to elections early in the new year and to the resumption of provincial government, either before or after that. I notice that Nehru has already declared himself against the resumption of government by Congress. If and when that takes place you may be in a better position to judge whether it would be worthwhile reassembling the Simla Conference and trying to form a new Executive rather more on the provincial basis. But you may find yourself confronted by the same political deadlock then, and if so there would seem to be nothing for it but gradually strengthening the personnel of your Executive, building up its position, Indianising it further and carrying on for some years, at any rate until Jinnah and Gandhi join their fathers.

6. I am very glad to see that your talk with Bhopal, and the excellent letter[3] you sent him after it, have apparently resulted in the "Chamber crisis" being resolved. The breakdown of the British India constitutional talks should also help to soothe Their Highnesses' nerves. Another way in which we may be able to please them, without repercussions elsewhere, is in respect of War Rewards; your letter on this subject[4] is being considered by my Office, and if I can make any helpful suggestions I will certainly do so.

[Para. 7, on passages for writers wishing to attend a Conference at Jaipur; and para. 8, on Mr Francis Brett Young's *The Island*, omitted.]

9. The Big Three have now met and are just beginning to sit down to their problems.[5] It looks as if they would square the Polish situation somehow, though we may be left with the baby of a considerable Polish army which is not prepared to go back to Poland. It may, however, be a very useful baby to us for garrison purposes in the Middle East and elsewhere during the next few years of prospective trouble. Some of it indeed may remain with us for good as the nucleus of a foreign legion.

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10. On the other hand, Russia seems to be still determinedly troublesome and unfriendly over the whole Near-Eastern area, which now includes everything east of the Lubeck–Trieste line—the new western frontier of Asia! The most unpleasant thing has been the Russian demand, not only for the cession of Kars and Ardahan, but also for a "joint" Russo-Turkish base on the Straits. I do not see how we could possibly allow Turkey to be bullied into accepting this last item, for it would mean the end of our whole position in the Middle East and a very direct danger to India. Possibly it may all have been just bluff to soften Turkey for some international settlement of the Straits, but it doesn't look too good.

11. In another week we shall know the result of the elections here. There is still a great deal of uncertainty, but the Conservative Central Office thinks the Government can reckon with some confidence on a majority of 100.

PS.—Once again let me say how much I admired the wisdom and generosity of your closing statement. I cannot help believing that it will sink in and have its effect, if not at once or on people like Jinnah and Patel.

[3] No. 539. [4] L/P&S/13/517.
[5] The Allied Conference at Potsdam met from 17 July to 2 August 1945.

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Field Marshal Viscount Wavell to Mr Amery

Telegram, L/P&J/8/524: f 39

IMPORTANT NEW DELHI, *20 July 1945, 5.20 pm*
TOP SECRET *Received: 20 July, 1.30 pm*

No. 1179–S. Superintendent Series. Your telegram No. 16194[1] of July 19th. I note your views about Azad.

2. I considered before Conference advisability of maintaining and circulating record of proceedings. I decided that in view of probable difficulty of securing agreed corrections of any official draft it would be best not repeat not to circulate official record. At first meeting of Conference on June 25th I explained that to ensure freedom of discussion no repeat no formal record would be kept, though the secretaries would keep notes for my use as Chairman. This was accepted by the Conference and circulation now of edited version of confidential notes compiled by my Private Secretary or rather fuller notes kept by Reforms Commissioner would occasion surprise and lead to controversy. I would much prefer to let the matter rest for the moment, and if I am later

[1] No. 626.

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compelled to deal with it, to do so on the basis of the interview and Conference notes to which I can legitimately refer in correspondence with Azad or others. You will appreciate that no repeat no communications to leaders in India are confidential.

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Note by Military Intelligence (Extract)

L/WS/1/1506: f 74

SECRET *20 July 1945*

No. 10005/194/GSI(b)

SOUTH EAST ASIA COMMAND AND INDIA COMMAND
WEEKLY SECURITY INTELLIGENCE SUMMARY NO. 194

The I.N.A.

1. An Officer of the Indian Army, well versed in the background of the Jif movement, was recently in close daily contact with some 4,000 all ranks of the I.N.A. in Rangoon awaiting repatriation to India. His personal impressions of these men are as follows:—

(*a*) Indian P.W. captured in Malaya have been deeply affected by Subhas Bose's inspiring leadership and clever propaganda, following on their personal experiences in the defeat of British arms in Malaya and also the spectacle of their own officers organising a rebel movement. They were, largely unconsciously at first, bitten by a new and exciting political bug and ideas of becoming the liberators of their motherland had been instilled in their minds with some effect.

(*b*) These influences were strengthened by the formation of the I.N.A. into a fighting force under its own officers. The contrast which they perceived between the spirit and ideals of the I.N.A. and its best leaders on the one hand, and the self-seeking civilian racketeers of the I.I.L. on the other, served to weld them into a body of men with a mission, namely, the ejection of the British from India and simultaneously the protection of India from the Japanese if that became necessary.

(*c*) The personal influence of Subhas Bose on all ranks of the I.N.A. is tremendous and undeniable. Any propaganda attempt to belittle him has so far failed amongst the men encountered in Rangoon. He is regarded by them as a "Leader" who is honest, utterly sincere, and who has raised the status of the Indian community in the Far East far above that of other minorities under Japanese occupation. To any charge that he has not altogether succeeded in eliminating communal feeling, the reply is that

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the British have been even more unsuccessful over a far longer period. As an instance of the degree to which Bose has taken possession of their minds, a man under interrogation in Rangoon stopped talking when his interrogator attempted deliberately to belittle Bose and to show him up in a bad light as compared with political leaders in India: the man did not attempt [to] argue: his attitude was simply one of "you do not understand".

(*d*) A personal factor affecting individuals is that a considerable number of them received rapid promotion beyond anything they could have expected in the Indian Army. As a typical instance, on one occasion when the Officer, who recorded these impressions, was talking to an I.N.A. Lt.Col., whose Indian Army rank was Captain, an I.N.A. sepoy approached and addressed the latter as "Colonel Saheb". When the sepoy had gone the officer remarked on this mode of address. The Captain replied "I do not care what you think my rank is. To my men I am a Colonel". On another occasion, a man reported himself voluntarily stating that he was a Captain. When asked his I.N.A. rank, he looked surprised; it eventually transpired that he was an Upper Division clerk.

(*e*) The conclusion reached by this Officer as a result of his close observation of the I.N.A. in Rangoon was that as a class they have been thoroughly imbued with Bose's ideas and that it is doubtful if they can be rehabilitated as soldiers again.

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Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 28 *22 July 1945*

Many thanks for your letters of 11th[1] and 12th July.[2] Your Cabinet meeting of 10th July[3] must have been very tiresome. In the end the instructions I received gave me no trouble and I did not have to act on your private advice[4] to do what I thought best.

2. The political and other reactions to the failure of the Simla Conference are now rather clearer. The Congress leaders and the Congress Press are of course taking the line that I should have gone ahead without Jinnah and the League. They place the immediate blame for the failure on Jinnah, but say that His Majesty's Government must some time decide whether to let one man obstruct all progress, or to co-operate with the other parties. There is a

[1] No. 592. [2] No. 598. [3] No. 586. [4] No. 588.

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good deal of disagreeable journalistic comment, e.g., that the proposals were "an electioneering stunt"; that they were obstructed by officials who are making money out of war controls and war contracts, and are afraid of Congress honesty, and that they are connected in some way with our Islamic policy in the Middle East. I do not think the Congress will do much until our next step is decided. If they do not like the decision they will then gradually work up an agitation against us quite as much as against the League. I am sending by this bag a copy of a letter, dated 15th July,[5] from Azad which shows the demands likely to be made. Nehru, who is now in Kashmir, made several speeches during his journey through the Punjab, and went over the old ground about the "martyrs" of 1942, the corruption of the Services, the medieval character of the Muslim League, and so on. The Allahabad Congress people have announced a "Martyrs Week" to be held from 9th August, during which portraits of persons who were killed in Allahabad in the 1942 disturbances will be unveiled by Nehru, and "liberty plaques" will be presented to their relations. Pattabhi Sitaramayya, a member of the Congress Working Committee from Madras, is credited with the surprising statement that the notorious Resolution of the Andhra Congress Committee[6] had the personal approval of Gandhi. So we may expect a period of suspense during which the Congress will begin to build up their resources, followed by a good deal of agitation if the next step does not satisfy them. Their attitude to the resumption of office in the Provinces is still far from clear. Nehru and one or two other leaders have said recently that Congress will not wish to take office in the Provinces at present, but in a leading article of 18th July the *Bombay Chronicle* takes the opposite view.

3. The Muslim League propaganda is directed mainly against Azad and Khizar, though His Majesty's Government and I come in for a considerable share of the blame. The attacks on Azad are vicious—in a recent issue of *Dawn* he was shown in a cartoon first as a neophyte receiving the caste mark from a Hindu lady, next as one of a Hindu choir singing *Bande Mataram*,[7] next on his knees before Gandhi and finally engaged with Hindus in worship at a Hindu shrine. Articles against the Congress refer to Pakistan as fundamental, and to the Nationalist Muslims as "show boys" who care nothing for the Muslim heritage. Nehru's criticism of the League as a medieval organisation has been met by references to the caste system and the totalitarian organisation of the Congress Party. Nehru was attacked on the same lines by an ex-Congress minister from Madras, and has probably had the worst of the argument. Khizar is roundly abused not only in *Dawn* but by the Muslim League organisers in the Punjab for representing a parliamentary coalition without influence or party organisation as a real party. It is generally stated that the League would welcome elections, both Central and Provincial, and would capture all, or

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nearly all, the Muslim seats. Jinnah has been pressed to make a comprehensive statement on the failure of the Conference, but says he is awaiting the release of the correspondence between Azad and myself. Azad wrote me only one important letter during the Conference—the covering letter[8] with which he forwarded the list of Congress nominees. As it was agreed at the Conference that these lists should be kept strictly secret I told him[9] that I would prefer not to publish the letter. We may expect the League to continue their agitation for elections, and there will no doubt be much abuse of the Congress and Nationalist Muslims.

4. Khizar defended himself fairly skilfully against the original League attack. He might have done better to say nothing, for he has little newspaper support and his original rejoinder has encouraged the counter attacks to which I have referred above. It is difficult to say what Khizar's real strength is. He seems fairly confident, but a good many of his Muslim supporters might turn their coats if they thought it would pay them to do so. Firoz, who is said to have intrigued hard with the Muslim League throughout the Conference, and would much like to have been included in the new Council as a neutral Muslim, is showing some signs of interest in Punjab politics. He is completely irresponsible and I do not think he will get very far, but it is quite on the cards that he will try.

5. Generally I think there is much disappointment at the failure of the Conference. I know that a good many senior officials disliked the proposals, and that they caused concern to the "loyalists" (substantial land-owners and others) who have never bothered to take part in politics, and have always leant on Government and its officials. But among the educated classes and particularly the "middle piece" Indian officials, there was a real hope that the proposals would be accepted.

6. I cannot commit myself about the future until I have had my discussion with Governors on 1st/2nd August. But you may like a few preliminary comments on your letter of 12th July. You suggest that I should carry on with my existing Council, subject only to filling vacancies caused by resignations, should hold elections, Central and Provincial, next winter, and should then have another try—perhaps on the basis of Provincial nominations. If this plan failed you think we might revert to a completely Indianised Council consisting of men selected on personal grounds and not for their political qualifications.

I feel it would be extremely difficult to carry on with my present Council. Linlithgow's expansions, though wise and necessary at the time, have weakened

[5] No. 614. [6] See Vol. II, No. 407.

[7] Literally 'Hail Mother'. The refrain which became the National Anthem but was not accepted as such by Muslims.

[8] No. 572. [9] No. 613.

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the Government of India as an administrative machine, and have not strengthened it politically. Rowlands, who knew the Government of India well just before the War, has been shocked at the deterioration in it, and I gather that he told a good many people at home about this. Apart from the efficiency question, seven of my Indian colleagues displayed disloyalty to myself before the Conference, and some of them behaved badly during the Conference. I may have to decide to carry on with the present Council; but I have little confidence in my Indian colleagues, individually or collectively, and the performance of the Departments is bad, and getting worse.

I agree that there would be certain advantages in holding elections as soon as possible. They would be a political diversion both at the Centre and in the Provinces. But they would certainly be regarded as a "trial of strength" between the Congress and the League, and would cause intense communal bitterness. From the business point of view Central elections would be inconvenient as the Banking Bill and other measures now in Select Committee would lapse and have to be reintroduced after considerable delay. I am not at all sure what view the Governors will take about elections in the Provinces. You know that Casey is very anxious to hold elections in Bengal, but Hallett and others are likely to take a different view.

Such evidence as we have seems to show that the Congress will not wish to take office in Section 93 Provinces, and Jinnah said clearly at the Conference that from his point of view a plan suggested by Rajagopalachari, which was very like your own, would be just as bad as the original proposals. He made it clear that however the nominations were made the Muslim League would insist on all the Muslim members being drawn from the League.

Finally there is your suggestion that if our efforts to secure a "political Council" failed we might fall back on complete Indianisation coupled with attempts to popularise Council in various ways. I am very doubtful about this, for Indianisation by itself has little appeal. It reduces efficiency and is worth while only if in return we get genuine political support. There is no hope whatever of such support for an entirely Indian Council not linked in any way with the major parties.

7. I agree entirely with your view that we should go ahead with the appointment of the U.K. High Commissioner. I think it should be possible to give him a suitable charter, and his presence here should make our relations with whatever Council is in office a good deal easier.

8. I have passed to Auchinleck paragraph 4 of your letter of 11th July in which you deal with wheat imports. I am well aware of your difficulties, and will do what I can to secure effective co-ordination between G.H.Q. and the Food Department here. At the same time I feel that Leathers and perhaps some of your other colleagues do not realise that we are just as much at war as they

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are—in fact rather more so, and that the most careful forecasts can be upset by operational demands.

[Para. 9, on a possible visit to India by Mr Walter Lippmann and his wife, omitted.]

10. The result of the elections will be known before you get this letter. They may, to some extent, affect the course of my discussion with the Governors. I trust you will remain as Secretary of State—if you do not I shall for a time have no idea what line your successor proposes to take.

11. Bhopal wrote to me on 15th July[10] informing me that the resignations of the Chancellor, the Pro-Chancellor and the Members of the Standing Committee of the Chamber of Princes would be withdrawn, and asking me to meet a deputation of Their Highnesses in August. So this matter is definitely settled. The Special Committee of Princes which decided on the withdrawal of the resignations also considered the grievances of the "second stage" units, now being attached to the larger States in Kathiawar. The Political Department have kept you in touch with what has happened. As it was clear that the "second stage" units were going to make a fuss the Resident was instructed to deal first with the three of them which were to be attached to Baroda. The Ruler of Vadia finally agreed to the conditions, but with a bad grace, and later complained to Bhopal that he had been very badly treated. Bhopal wrote to me on 16th July[11] suggesting that action might be suspended until he could discuss the position with Corfield and recommend an arrangement acceptable to the parties. He said he realised that the withdrawal of the Attachment Scheme was not possible, but he thought our methods of enforcing it could be made more acceptable. In view of this letter the Resident has been told to go slow, and to come to Delhi as soon as possible for consultation with the Political Department and myself. I am not sure that I shall be able to satisfy Bhopal, but his letter was quite friendly, and I thought it would be unwise to give him a flat refusal.

[Para. 12, on a proposal to invite Sir W. Beveridge to India; para. 13, on the possibility of settling Assyrians in Baluchistan; and para. 14, on the smuggling of consumer goods into China along the Ledo Road, omitted.]

15. Glancy has asked to go to Kashmir for a week in the middle of August. I have told him he may do so as he can get back quickly if there is any emergency in the Punjab.

24 July

16. Since this letter was drafted I have received your letter of 19th July.[12] I have already told you by telegram[13] that I would much prefer not to circulate

[10] No. 617.
[11] Wavell Papers, Official Correspondence: India, January–December 1945, pp. 206–10.
[12] No. 628. [13] No. 629.

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a record of the Conference proceedings. It was clearly understood at the Conference that no formal record would be kept, and by producing something like one now I should let myself in for long arguments with the Leaders, particularly Azad and Jinnah. On the other hand if Azad persists in making inaccurate statements I can quite properly write to him and refer to the note of our conversation made at the time, and also to the notes of the Conference proceedings kept for me as Chairman, of the existence of which the delegates were aware.

17. I agree with Mudaliar that the period of uncertainty was most embarrassing to my Executive Council. It could, as you know, have been considerably shorter, but it is quite impossible to make any move without embarrassment. I certainly do not think that the failure of the Simla Conference has strengthened the position of the present Members. I have always done my best to support them in public and private, and perhaps I have not explained clearly enough the contempt into which most of them have fallen both with the politicians and with the officials—and occasionally even with my tolerant self! Several of my Indian colleagues are irresponsible or incompetent (sometimes both), and there are real doubts about the honesty and integrity of some of them. I can at present see little object in handing over External Affairs, Home and Finance to men whom politicians would regard, with some justification, as incompetent dummies or worse, and in whom the officials would have no confidence. The Indianisation of the Executive Council is not an end in itself, it is useful only if we get political support in return for it.

18. I have done what I could to publicise the performance of our delegation to San Francisco. Unfortunately Mudaliar is not popular with the Press. Everyone admits his great ability, but he is not trusted. I doubt the possibility of running Government newspapers in this country with any hope of success. It has been proved during the war that reviews and magazines issued unobtrusively by Government sell quite well, but they have only an indirect propaganda value. The Government case, as it would have to be stated in daily newspapers, would have little appeal, as the public prefer the highly-spiced news and comment with which they are served by the Nationalist papers. I am told that a Government paper started after the last war under the name of *Haq* ("The Right") was universally known as *Shaq* ("The Doubt"). That sums up the Indian attitude to a Government-owned Press.

19. Grigg's views about Indian politics seem to me to be quite unrealistic. I have no admiration for Birla and his kind, but there is no doubt at all that on the Hindu side the Congress and the Hindu financiers would carry most of the seats at general elections both at the Centre and in the Provinces. Given our undertakings to India I do not see how we can now take a high moral line and say that we will hand over only to people of whose motives we approve.

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(From my reading of social history, Birla and Co. are in many respects better than the industrial magnates to whom we handed over our own people in the last century.) The most important parties in India now are the Congress and the Muslim League, and I do not see how we can disregard either or both of them any more than you could disregard the Conservative and Labour Parties at home.

20. I will report as soon as possible after my discussion with the Governors on what I think should be done in the immediate future, and in particular on the question of elections.

[Para. 21, on passages for writers wishing to attend a Conference at Jaipur, omitted.]

22. I have just had Auchinleck's comment about wheat imports, which I mentioned in paragraph 8 of my letter above. It is as follows:—

"I feel sure that the Secretary of State can hardly have appreciated that we have in fact arranged to import, in the first two months covered by the announcement, 93·75 per cent. of the total amount involved. This has been done very largely at the expense of military cargoes at a time when the military effort demanded of the ports of India is at the highest to which they have ever been subjected.

A limited number of ships are allocated by London for the carriage of wheat cargoes. They carry only part of the wheat; the balance of the 100,000 tons of wheat is carried at the expense of military and civil cargoes in the limited amount of overall tonnage provided for that purpose.

In the August loading military and civil cargoes, all urgently needed, were cut by 50 per cent., wheat with the agreement of the Food Department was cut by 13 per cent. I anticipate this short-fall can be made good in later months".

[Para. 23, on the shortage of railway wagons; and para. 24, on Mr Francis Brett Young's *The Island*, omitted.]

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Mr Churchill to Field Marshal Viscount Wavell (via India Office)

Telegram, R/30/1/5: f 1

IMPORTANT *24 July 1945, 10.40 pm*

419. Superintendent Series. Following personal from Prime Minister received for transmission to you.

Begins. I see you are summoning your Provincial Governors for August 1st and 2nd. Should any proposals for further attempts at constitutional change

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arise at this meeting, I hope you will consult me before any steps are taken to discuss them. *Ends.*

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Field Marshal Viscount Wavell to the Nawab of Bhopal

L/P&S/13/982: f 44

No. 681/2 *24 July 1945*

My dear Nawab,

I am grateful to Your Highness for your letter of July 15,[1] and was interested to have your account of your meeting in Bombay. As I said in my telegram of July 11,[2] I am glad that the resignations have been withdrawn.

On paragraph 3 of your letter, since I have no doubt that it is the wish of the whole Chamber that Your Highness and the other Rulers concerned should resume your function as Chancellor, Pro-Chancellor and members of the Standing Committee, it seems to me that on practical considerations, whatever may be the strictly legal merits, there is no need for a Resolution to be moved at the next session of the Chamber as contemplated. And I am advised that a legal view contrary to that which has been given to Your Highness can be taken—on the basis that a resignation does not become effective, and is susceptible of withdrawal, at any time up to the stage at which action is initiated to fill the vacancy resulting from the resignation. Of course so far as H.H. the Maharaja of Gwalior is concerned you will, I am sure, agree that in view of the provision of sub-Regulation (i) of Regulation 1 of Part II of the First Regulations,[3] there can be no question of ratification being necessary.

If it is agreed that a Resolution is not really necessary, then there is much to be gained by not moving one. If a Resolution were to be moved particular care would, I feel, have to be taken over the contents of the speeches to avoid saying in public anything that might be embarrassing to our mutual relations, and I would count on Your Highness to secure this in close consultation with myself and my Political Adviser.

As regards dates for our meeting, August 30 and, if necessary, August 31 would be convenient to me if these dates are convenient to Your Highness and the other Princes concerned. But they fall within the month of Ramzan and it occurs to me that it might be convenient to some of Your Highnesses if we did not have our meeting until after the 'Id. I hope that you will let me know what you feel about this.

I shall be glad, as last year, to receive first a small Delegation on the question of joint services and then another on other matters. I should, however, be grateful if Your Highness could let me have as soon as possible a list of the

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subjects which it is proposed to raise. After seeing this list I should be in a better position to see whether I need trouble Your Highness to come, as you have so kindly offered, for a preliminary talk. If you did come I should like you also to have a talk on these matters with my Political Adviser.

Yours sincerely,
WAVELL

[1] No. 617. [2] Wavell Papers, Official Correspondence: India, January–December 1945, p. 201.
[3] Under this sub-regulation Gwalior had the automatic right to be represented on the Standing Committee and did not, therefore, have to submit to election. *A Handbook of the Chamber of Princes (Narendra Mandal)* (Simla, Government of India Press, 1942), p. 3.

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Sir G. Cunningham (North-West Frontier Province) to Field Marshal Viscount Wavell

L/P&J/5/222: f 53

CONFIDENTIAL *24 July 1945*

Report No. 10

Interest during the last two weeks has been pretty well confined to the outcome of the Simla Conference. The Muslim League leaders are elated at Jinnah's success, and consider that their own prestige has been considerably increased. They express their determination to oppose any attempt to form an Executive Council at the Centre unless either the League's claim to nominate all the Muslim Members is conceded, or general elections are held and an interim Government is formed in the light of the election results. At the same time, they have been talking among themselves of the possibility of the Viceroy going ahead with his plans in some form or other, and evidently do not rule out this contingency.

The feelings of educated Muslims, other than keen supporters of the League, seem to be mixed. They find a certain satisfaction in the thought that Muslims have proved too strong for the Hindus, but I believe that the more pervading feeling is one of real regret that the Conference failed. The desire for some change and advance appears to me to be greater now than it has ever been, and people do genuinely wish to see an end to the present impasse.

2. I have had a long talk to Dr. Khan Sahib since he returned. He abused Jinnah with a good deal of relish and then spoke, with conviction, of the real desire of Congress to co-operate. He said that before he went to Simla he had some doubt of this; but now he had none. This coincides with what seems to be the general opinion here, that—whatever the reason may be—a big change of mind has taken place in Congress. Dr. Khan Sahib said that he thought

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Congress would now be ready to form Ministries in the Section 93 Provinces. A few of the ill-disposed followers of Congress have taken up the cry that the failure of the Conference is just another example of British unwillingness to part with power, and have said that many British officials in India, especially in Provinces where there was violence in 1942, are pleased that it did fail. But Dr. Khan Sahib gave no hint of any feeling except one of appreciation of the Viceroy's efforts to bring about agreement.

I see no indication of Congress turning sour over the rebuff they have received from Jinnah, or of any intention to return to civil disobedience. But I think that antipathy between the Hindu and Muslim communities in general has increased markedly in the last week or two, and will probably increase further until a settlement has been reached.

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Cabinet C.M. (45) 17th Conclusions, Minute 2

L/PO/6/108d: f 4

Those present at this Meeting held at 10 Downing Street, S.W.1, on 24 July 1945 at 3.30 pm were: Sir John Anderson (in the Chair), Mr R. A. Butler, Sir Donald Somervell, Viscount Cranborne, Mr Amery, Colonel Oliver Stanley, Mr Brendan Bracken, Sir James Grigg

Also present during discussion of item 2 were: Viscount Simon, Mr William Mabane, Mr G. Spencer Summers, Captain G. E. P. Thorneycroft

INDIA

Azad's Statements to the Press

At their meeting on 18th July[1] the Cabinet had accepted the Viceroy's view that failing any repetition of Maulana Azad's mis-statements about his conversations with Lord Wavell (in which case the Viceroy would write to him) things should be left as they were. They had, however, invited Lord Wavell to consider the desirability of circulating confidentially to those concerned the record of the proceedings at the first meeting of the Simla Conference, at which the Viceroy had explained the attitude of His Majesty's Government on the matters in question, which had not been contested by Azad.

They now had before them Lord Wavell's telegram of 20th July No. 1179-S.[2] The Viceroy explained that he had at the time decided against maintaining and circulating a record of the proceedings of the Conference in view of the probable difficulty of securing agreed corrections, and had so informed the Conference, which had agreed. To circulate in these circumstances an edited version of the confidential notes that had been kept would occasion surprise,

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and lead to controversy. He would prefer, therefore, to let the matter rest for the moment, and, if later compelled to deal with it, to do so on the basis of the notes of the interview and Conference, to which he could legitimately refer in correspondence with Azad and others.

THE SECRETARY OF STATE FOR INDIA said that information received from India did not suggest that there had been any disposition in the Indian Press to follow up Azad's mis-statements. If, at a later stage, there were to be further discussions or those mis-statements were repeated, the Viceroy was in a position to deal with them. His own view was that there was no case for any further action at the moment.

After discussion the Cabinet agreed that no further action could usefully be taken at this stage.

[1] No. 625. [2] No. 629.

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Mr Amery to Field Marshal Viscount Wavell

Telegram, L/PO/10/18: f 190

PRIVATE *25 July 1945*

420. Superintendent Series. I think Prime Minister's telegram[1] cannot mean that you are to be precluded from discussing at Governors meeting suggestions arising at the meeting but only that he does not want you to take any steps to follow up suggestions put forward without consulting us here. Anyhow I would proceed on that assumption, meanwhile answering Prime Minister that you had no intention of taking any steps on such ideas as may be put forward at the meeting without consulting the Cabinet.[2]

[1] No. 632.

[2] Lord Wavell replied in tel. 1214-S of 26 July that he had already decided to follow Mr Amery's interpretation of No. 632; see No. 637. L/PO/10/18: f 191.

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Field Marshal Viscount Wavell to Mr Churchill (via India Office)

Telegram, L/PO/6/108d: f 2

IMPORTANT NEW DELHI, *25 July 1945, 6.25 pm*
Received at India Office: 25 July, 4 pm

1209-S. Superintendent Series. Your 419[1] July 24th. Please convey following reply to the Prime Minister. *Begins.* "The main object of my meeting with

[1] No. 632.

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Governors is to discuss the situation arising from the failure of the Simla Conference. I shall, of course, inform Secretary of State of the views of Governors and of any action that I recommend for consideration of the Cabinet." *Ends.*

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Notes by Sir E. Jenkins (Extract) and Lord Wavell

Wavell Papers. Notes of Important Interviews, 1943–7, pp. 97–8

NOTE ON PRIVATE SECRETARY TO VICEROY'S TALK WITH SIR MIRZA ISMAIL ON 25th JULY 1945

[2]. . . . Sir Mirza then asked[1] what I thought about the new arrangements in the Chamber. I said I thought there was much to be said for standing arrangements for consultation between the States and the Government of India at the ministerial level. But contacts between Ministers or their equivalent and Members of Council here would be of little use unless the States representatives were fully supported by the Princes. I thought the Princes were apt to take rather a short view of politics—they should be concerned less with the sanctity of their treaties than with arriving at permanent understandings with British India on matters of common concern. With the growth of democratic government in British India, the States, however benevolent the Crown might be towards them, would have to fit themselves into the picture and should be thinking about this problem now. Sir Mirza said he agreed, and had advised the Chancellor that the Princes must concentrate on internal reforms in their States and show the world that their subjects were happy and better looked after than those of the British Indian Provinces. I said that it seemed to me not to be a matter merely of internal reform—there were all sorts of questions, e.g., taxation, excises, and industrial development, on which a greedy or inconsiderate policy on either side would lead to serious trouble.

3. Sir Mirza then said that he was very glad the Standing Committee of the Chamber was to start work again. He had used all the influence he had to persuade the Chancellor to be reasonable. He had told both Sir Francis Wylie and the Chancellor that they were in the wrong. I replied that I had not been able to understand what the Princes' grievance was as the letter of 2nd December[2] had covered well-known ground and there was nothing new in it. Sir Mirza left me with the impression that in his opinion the quarrel was really of a personal kind.

4. Finally, Sir Mirza touched on the political situation and said that if the Simla Conference had succeeded, you would have had a very difficult Council

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to deal with. I replied that the Council would not have consisted entirely of members of the Congress and the Muslim League—there would have been a considerable leavening of non-party members. Sir Mirza agreed and said that your personal kindness to the Congress leaders, and particularly Gandhi, had made a very good impression. He asked me what I thought of Azad and I said he had struck me as a don rather unexpectedly transplanted into politics. Sir Mirza said he was a better Muslim than Jinnah, and indicated that he thought the League had been unreasonable and that many prominent members of the League realised this.

* * *

E. M. JENKINS,—25.7.45.

You know my views on this gentleman's self-conceit and self-seeking, but he is able and pushing.

W.—25.7.45.

[1] Sir Mirza Ismail and Sir E. Jenkins had been discussing Hyderabad and Jaipur affairs.
[2] No. 98 as amended by No. 118.

639

Sir E. Jenkins to Sir F. Mudie

Wavell Papers. Official Correspondence: India, January–December 1945, p. 231

TOP SECRET *28 July 1945*

My dear Mudie,

His Excellency has just noted:—

> "We should be thinking what to do with S. C. Bose. If the Japanese surrendered, we should presumably require him to be handed over to us. What then, should we try him in India, and if so by what kind of Court? What about his chief collaborators?"

I do not know if this matter has been considered before, and His Excellency would like your advice. I am not sure that because Bose is an Indian who joined the enemy by evading restrictions imposed on him in India, he must necessarily be tried here. He is one of the bigger war criminals and has offended against His Majesty's Government quite as much as against India.

Yours sincerely,

E. M. JENKINS

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Mr Amery to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *28 July 1945*
Received: 5 August

The avalanche has carried me away with all the rest and I dare say it may take some little while before I can flounder up through the snow to daylight again. Anyhow, that is the end for the time being of our happy partnership. But we shall still be together in spirit and any help that I may be able to give from outside Parliament—or, possibly, presently once again within it—will always be yours. Naturally we shall no longer correspond regularly as we have done, but I hope we may still from time to time tell each other what we are thinking and feeling. In any case, all my good wishes go with you for the work that still lies ahead.

2. From the point of view of the things we both agree about so far as India is concerned, I am by no means sure that the change is not all for the good. The last few weeks of the late Government made me feel that I might have even greater difficulties with Winston, and less support, than I had during the Coalition. On the other hand, whoever is my successor will come to the task with the chastened knowledge borne of the experience of the last few years and is not likely to attempt any revolutionary new plan of his own, but rather to give you all the support and help he can in carrying out your own ideas.

3. I am sorry that I shall not be here to receive your report on the results of the Governors' Conference. As I have said before, there may be a better possibility of returning to the idea of forming a political Government after there have been elections, whether on the lines of your recent Conference or possibly on one more directly based on the Provinces. Rajagopalachari recently made the suggestion that if Provincial Governments were restored each should send three delegates, one of them representing the Opposition, to form a body from which you could select your Council, and it is just possible that by next year, if Provincial Governments are restored and elections held, they may be a little more independent of the old gang of party bosses. But I confess I don't feel too sanguine myself on that point.

4. Meanwhile, I am not sure that with the new Government here you might not be able to get a move on as regards India's status in the outside world without waiting for a new Executive. I hope you will press for the early appointment of the U.K. High Commissioner, both to enhance India's status and also to deal with sterling balances, and, even more important perhaps, to start negotiations for a commercial agreement which should supersede the

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non-discrimination clauses. Also, why not go ahead now with the appointment of an Indian in charge of External Affairs, so as to get that Department started on sensible lines? Mudaliar has made a great impression on the world of international diplomacy at San Francisco and it would be a signal recognition of that work if you appointed him in charge of External Affairs. Again, if it were thought a good thing that Rowlands should go to Bengal next March—and I confess I don't see where the new Government can find anybody among their political supporters who could hold that job—you might take your chance of finding a reasonably competent Indian successor who would not be under suspicion if he came to a practical agreement over sterling balances. However, I had better not wander on discussing the problems which another will have to settle with you.

5. Even as regards the general situation, I am by no means convinced that the unreasoned, instinctive insistence of the nation on a change will be a bad thing. The new Government contains a good handful of men who have held high office and learnt a sense of responsibility which will be accentuated by having to face the whole weight of urgent external and domestic problems during the next two or three years. It will be a pretty heavy and unpopular task and will not leave too much room for wild revolutionary social experiments. No doubt they will make a beginning with these, but obstacles will accumulate pretty rapidly and slow down the pace.

6. Even from Winston's point of view I think the nation may have been right in deciding that his great Prime Ministership should end on a clean cut decision and that he should not fritter away what remains to him of health and mental strength in tidying up the post-war mess. Far better that he should sit down and do, what no one else could do like him, write the history of these great years from inside, only attending the House of Commons on really great occasions to speak as an elder statesman.

7. So that's that! May all good fortune attend you and all your doings and may it be your good fate, within your tenure of the Viceroyalty, to have set India safely on a path that will lead sooner or later to the right final solution.

Annex to No. 640

Field Marshal Viscount Wavell to Mr Amery

L/PO/10/22

PRIVATE THE VICEROY'S HOUSE, NEW DELHI, *8 August 1945*

Very many thanks for your letter of the 28th July. You will know how much I regret that our partnership has been broken, and how much I appreciate all that you did. We are not quite in the unfortunate position of Latimer and his

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friend (Ridley was it?) nor able to say "We have this day lit such a candle"; but I still hope that what we have done together may bear some fruit in the end; and anyway we did our best in face of some difficulty.

I was very glad to see Coupland's letter in *The Times* lately,[1] in which he did you some justice; and I am sure that the efforts you have made for India will be realised later. I enclose Shankar's final (?) effort[2] to your address. Srivastava always complains bitterly that the only time Shankar met him was in a Turkish bath, and consequently always refuses to allow him any clothes, except a small towel, in his cartoons.

I agree with you that on the whole the change of Government may not be a bad thing for the nation, though I am a little alarmed at the size of the majority. There are plenty of young men whom one could trust to be reasonable and sensible on an income of £500 a year, about whose behaviour one would feel anxious if it were suddenly raised to £2,000. I am very sorry from Winston's personal point of view that he has not been able to lead the nation to final victory over Japan; however, the work is pretty nearly finished now and my own view was, even before this atomic bomb appeared, that the Japanese would not last very much longer. I do not know how far this bomb has gone into production, nor, more important still, whether the secret of its manufacture can be preserved and controlled; the future of the world hangs on that.

I had quite a good conference with the Governors, nobody produced any very original proposals to deal with the political problem, on the other hand there was a surprising degree of agreement amongst them all as to the best steps we could take now. I shall have seven Governorships changing next year—two of the Presidencies and five Service Governorships—and it will not be too easy to fill them.

I agree with you about the U.K. High Commissioner, and shall recommend that he be appointed. As you will remember, I was opposed to this suggestion of yours at first, but I am sure now that it is a sound one. I shall also try to get Bajpai's status raised to that of Minister. I am not so sure about putting Foreign Affairs in the charge of an Indian Member at present. Some of my Council were tiresome and irresponsible before and during the Simla Conference, and some of them were talking big outside about only coming back on their own terms, but they are, for the moment at any rate, very tame and anxious to please.

Woodhead is staying with me at present, he has just produced the second part of his Report, which looks to me a good piece of work. I had already in mind the question of an Honour for him, if I can make one available.

Please thank Birdie for her letter, I will write to her soon. I am very sorry that Julian did not get in.

Au revoir and all good wishes to you, and I trust it will not be long before you are once again an elder statesman in Parliament.

[1] Of 31 July 1945. [2] Not reproduced.

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Glossary

AKALI *Lit.*: Worshipper of 'him who is without time, eternal'. Extreme SIKH nationalist party.
AKHAND HINDUSTAN A militant Hindu slogan meaning 'indivisible India' in opposition to the Muslim League's demand for Pakistan.
AMAN Rice grown on low wet ground, sown July–August and reaped in December; winter rice, the main rice crop.
ANNA Unit of money of the value of 1/16th of a RUPEE. 6-Anna crop: colloquial usage signifying a poor crop.
ATTA (ATA) Flour or meal; any grain ground to powder.
AUS Rice, planted February–March, ripening in the rainy season August–September; summer rice.
AZAD Free.
BADMASH A bad character, a rascal.
BANDE MATARAM *Lit.*: Salutation to Mother (India). Patriotic song sung on frequent occasions, cf. 'God Save the Queen'. See also No. 631, note 7.
BANIA Grocer, trader.
BATTA (BHATTA) *Lit.*: discount, hence allowances by way of compensation.
BORO CROP Rice sown in January reaped in April, in low swampy ground where irrigation is not needed.
CALIPHATE *see* KHILAFAT.
CASTE HINDU A Hindu not belonging to the scheduled castes, i.e. not an untouchable.
DAL Organisation, association.
DARBAR (DURBAR) Court, ceremonial assembly; government of a Princely State.
DHAL (DAL) Lentils; other pulses.
DHARMA Moral law; duty.
DHARNA Sitting without food at a person's door to compel grant of request.
DIWAN (DEWAN) Minister; in Princely States, Chief Minister; also Council of State.
DRAVIDIAN Name of a race of south India and Ceylon and of group of languages spoken there. The Dravidians formed the bulk of the first inhabitants of the Indian peninsula.
DRAVIDISTAN Those parts of India where DRAVIDIANS flourish.
FAQIR *Lit.*: with the back broken. Poor, needy; thence Muslim religious mendicant.
GODOWN Store room or warehouse, an Anglo-Indian word derived from the Malay *gadang*.
GOONDA Hooligan.

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GRAM Chick-pea.
HAJ The Pilgrimage to Mecca.
HUR *Lit.*: Free man. Member of group of guerrillas, or bandits, with a quasi-religious background, operating in Sind under the leadership of the Pir Pagaro.
ID (EID) *Id al-fitr*: the festival of breaking the fast after Ramadan which fell on 19 September in 1944. *Id al-zuha*: the festival of sacrifice commemorating Abraham's willingness to sacrifice his son.
IN LIMINE On the threshold, at the very outset. *O.E.D.*
INDIAN NATIONAL ARMY (I.N.A.) Of the 70,000 odd men of the Indian Army who were Japanese prisoners of war, some 20,000 defected and joined the I.N.A., commanded in late 1943 by Subhas Chandra Bose.
IZZAT Honour, credit, reputation, character, prestige.
JAGIRDAR Holder of a *Jagir*, an assignment of land revenue.
JAT The great agricultural caste of north-west India, found in Baluchistan, Sind, the Punjab, western United Provinces and Rajputana comprising people of the Muslim, Hindu and Sikh faiths.
JAYANTI The eighth day of celebration of Krishna's birthday, held as a Festival.
JIRGA Council of tribal elders *see also* SHAHI JIRGA.
KHAKSAR *Lit.*: like the dust, humble. Volunteer organisation of Muslims under leadership of Inayatullah Khan.
KHARIF Autumn; autumn harvest.
KHILAFAT (CALIPHATE) *Lit.*: deputyship. The office of Caliph, the title adopted by successors of the Prophet in the headship of the Muslim world.
KISAN Peasant.
LAC Shellac, sealing wax.
LAKH (LAC) 100,000; 100,000 RUPEES.
MAHAKOSHAL Term given to the Hindi-speaking districts of the Central Provinces.
MARWARI Strictly a native of Marwar in Rajputana; often settled elsewhere in India; sometimes loosely used for grocer or trader synonymously with BANIA.
MATARAM *see* BANDE MATARAM.
MATRUBHUMI Daily and Weekly Evening Newspaper in Gujarati published in Bombay.
MAULANA *Lit.*: our Master. Title of respect accorded to Muslim judges, heads of religious orders, and persons of great learning.
MAUND A measure of weight varying in different localities; the standard maund is 82.28 lbs.
NAWAB Originally a Governor under the Moghul Empire; thence a title of rank conferred on Muslim nobles.

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NAWABZADA Son of a NAWAB.
NEPAL TERAI Lowland belt 10–30 miles deep running E–W along Southern edge of the Himalayan massif.
OCTAGON Codeword for the second Quebec Conference in Sept. 1944.
PANCHAYAT Court of arbitration (properly of five persons) for determination of petty disputes; village council.
RABI Spring Harvest; crop sown after the rains are over and reaped in the first 3 or 4 months of the year.
RAJ Kingdom, rule, sovereignty.
RAM LILA Dramatic epitome of the adventures of RAMA performed publicly e.g. at Benares, signifying excellence or superiority.
RAMA One of the nine incarnations of Vishnu, the God of protection; the preserving power personified.
RAMZAN (RAMADAN) The ninth month of the Muslim year during which all Muslims fast between sunrise and sunset.
RUPEE Unit of money of the value of 1*s.* 6*d.* [7½p] in 1944.
RYOT Peasant, cultivating tenant.
SANAD Diploma, patent, grant, charter. Deed of grant by a Sovereign of an office, privilege or right.
SHAHI JIRGA Held once or twice a year to dispose e.g. of inter-Provincial cases between the Punjab and Baluchistan concerning blood-feuds, murder, and important land disputes etc.
SHAN STATES A group of States in Burma.
SHIAH *Lit.*: party, sect. The name given by other Muslims to those who believe that Ali, cousin and son-in-law of the Prophet, was his rightful successor.
SHIKAR Game killed for sport; a shoot, a hunt.
SIKH *Lit.*: disciple. Follower of Guru Nanak (1469–1538), the first of the line of the ten leaders (*Gurus*) who formulated the Sikh faith and welded the Sikhs into an independent community. In the face of religious persecution, the Sikhs under the last of the Gurus, Gobind Singh (1666–1708), acquired a formidable military reputation.
SUNNI From *Sunnah* 'way', 'practice'. One who follows the practice of the Prophet; the term generally applied to Muslims who acknowledge the first four Caliphs equally as his rightful successors.
TARAI *see* NEPAL TERAI.
THANA Police station, and hence area of its jurisdiction.
ZAMINDAR (ZEMINDAR) One holding land as an actual proprietor but paying a fixed annual sum to the Government.

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